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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Third periodic reports of States parties

Chile*

* For the initial report submitted by the Government of Chile, see CEDAW/C/CHI/1; for its consideration by the Committee, see CEDAW/C/SR.264 and CEDAW/C/SR.271, and *Official Records of the General Assembly, Fiftieth Session, Supplement No. 38* (A/50/38), paras. 105–159.

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Status of implementation by the Government of Chile of the Convention on the Elimination of All Forms of Discrimination against Women, December 1998

This report provides updated information on the implementation by the Government of Chile of the Convention on the Elimination of All Forms of Discrimination against Women. It describes the main advances made between 1995 and the end of 1998, especially in the legal area, in implementing the Convention's first 16 articles. Articles 17 to 30, being procedural or regulatory in nature, are not covered. The second periodic report, sent to the Committee on 12 January 1995 pursuant to article 18 of the Convention, has served as an important yardstick.

This is the third periodic report submitted by the Government of Chile.

Background

Chile ratified the Convention on the Elimination of All Forms of Discrimination against Women by Supreme Decree No. 789, published in the *Official Gazette* of 9 December 1989. The Decree is currently in force and, under the Constitution, limits the exercise of sovereignty by imposing on the State the duty to respect and promote the rights guaranteed in the Convention.

The Convention establishes universally accepted principles, sets out measures to achieve equal rights for women and establishes international mechanisms for monitoring the obligations which States parties have assumed.

By Act No. 19,023 of 3 January 1991, Chile established the National Office for Women's Affairs (SERNAM). Article 2 of the Act states that the Office shall have, *inter alia*, the following function: "(g) To evaluate the implementation of policies, plans and programmes adopted to ensure compliance with the Convention on the Elimination of All Forms of Discrimination against Women, ratified by the Government of Chile". This clearly demonstrates the importance which the executive branch and Parliament attach to implementing the Convention.

The Convention enjoys considerable support internationally and contains ideas on which there is broad international agreement. Chile has always shared in that agreement and has expressed no reservations as to the Convention's core ideas.

There is no discussion as to whether or not the Convention is binding, but there is as to the place which international human rights treaties should occupy in relation to domestic law.

In this regard, the second paragraph of article 5 of the 1980 Political Constitution states that the exercise of sovereignty recognizes as a limitation respect for the essential rights of the person. The organs of the State have a duty to respect and promote such rights, which are guaranteed by the Constitution and by the international treaties ratified by Chile and currently in force.[1]

Chile has participated in the open-ended working group on the proposed optional protocol to the Convention which, as an international human rights instrument, would allow women to petition for their rights and for the implementation of the Convention.

General information

Chile, a long, narrow country in the extreme south of the Americas, has been undergoing a sustained process of globalization for two decades. In keeping with its policy of openness in trade, barriers to international trade are now virtually non-existent, resulting in easy, expeditious trade flows.

Chile has a stable democratic system and a stable free-market economic model. In recent years, the country has received major flows of foreign investment. The Global Competitiveness Report, 1997 of the World Economic Forum ranks Chile among the 13 most competitive countries in the world. The export sector has been the driving force and the main source of growth in the Chilean economy.

[1] According to Professor and Doctor of Law and member of the United Nations Human Rights Committee Cecilia Medina Quiroga, "... the amendment to the second paragraph of article 5 reaffirmed the constitutional rank of the human rights enshrined in the international treaties in force in Chile and added some elements to facilitate the full enjoyment and exercise of those rights". (In *El Derecho Nacional y las Obligaciones Internacionales de Chile en materia de Derechos Humanos* (Chile's Domestic Law and International Obligations in the Area of Human Rights), (editors Cecilia Medina Quiroga and Jorge Mera Figueroa, Diego Portales University School of Law, Santiago, Chile).

Geographical situation

Chile is located in the extreme south-west of the Americas. From north to south, it extends 4,329 kilometres from the Atacama Desert to the ice cap. To east and west, it is bordered by the Andes and the Pacific Ocean, respectively.

Territorial organization

Chile is divided into 12 regions, plus the metropolitan region where the capital, Santiago, is situated.

Chile has implemented a policy of decentralization which is reflected in the transfer of functions to municipalities. Mayors are elected by popular vote every four years and are responsible for administering health services and public and subsidized private educational establishments.

Population

Women account for 50.5 per cent of the country's 14,210,429 inhabitants. The population is 84.7 per cent urban and 15.3 per cent rural.

Capital city

Santiago, with a population of 4.9 million.

Population density

19.1 inhabitants per square kilometre.

Population growth rate

1.54 per cent.

Life expectancy at birth

Average life expectancy (both sexes): 75.21 years; women: 78.26 years; men: 72.28 years.

Literacy

Average literacy rate (both sexes): 95.6 per cent; women: 94.7 per cent; men: 95.6 per cent.

General political background

The ruling coalition, the Alliance of Parties for Democracy, made up basically of the Christian Democratic and Socialist Parties, the Partido por la Democracia and the Partido Radical, began a process of transition within the framework of the 1980 Constitution inherited from the military regime, but amended by the 30 July 1989 plebiscite. The amendments were agreed between the authorities of the military regime and the leaders of the political parties in the Alliance.

The current legal framework includes a number of laws referred to as "*leyes de amarre*" (literally: "laws keeping things tied up"), i.e., laws perpetuating authoritarian features of Chile's institutions which are difficult to change precisely because of provisions left over from the military regime, such as the qualified quorums needed to amend certain elements of the Constitution, the existence of 10 designated or institutional senators out of a total of 48 and the system of two lists for elections (as opposed to the representative system previously in force). One of the 10 designated senators is a senator for life in his capacity as former Head of State: Augusto Pinochet Ugarte became senator for life on 11 March 1998 after retiring as Commander-in-Chief of the army. The remaining nine senators are: one representative for the Army, one for the Navy, one for the Air Force, one for the *Carabineros*, two for the Supreme Court, one former Minister, one former university rector and one former Comptroller-General of the Republic. These "institutional" senators serve for eight years.

Political and administrative structure

The State is divided into three independent branches: the executive, the legislative and the judicial. The executive branch is headed by the current President of Chile, Mr. Eduardo Frei Ruiz-Tagle (Christian Democratic Party), who heads a coalition of centre-left parties (Alliance of Parties for Democracy).

President Frei was elected for a six-year term by popular direct vote of all Chilean citizens over 18 years of age. He took office on 11 March 1994.

Legislative authority is vested in the national Congress, which sits in the port city of Valparaiso. It has oversight and legislative powers and is bicameral: the Senate, with 48 members (including 10 designated senators serving for an eight-year term, with the exception of one senator for life), and the Chamber of Deputies, with 120 members. The entire Chamber of Deputies is replaced every four years, whereas half the membership of the Senate is replaced every four years, on an alternating basis according to the number of the region which the senator represents.

The offices of deputy and senator are incompatible both with each other and with any employment or Commission remunerated with funds from the Treasury, municipalities, autonomous fiscal entities, semi-fiscal entities, State enterprises or enterprises to which the Treasury has contributed capital. The only exceptions are teaching positions in higher education.

Congress opens its regular sessions on 21 May each year and closes them on 18 September. However, it may be

convened by the President in special session during the last 10 days of a regular session or during the parliamentary recess.

The judiciary is an independent, autonomous organ responsible for the administration of justice. The highest court is the Supreme Court, comprising 17 members, one of whom is elected President of the Court every three years. No woman has ever been a member of the Supreme Court. There are also 17 courts of appeal in Chile.

Chile is divided into 12 regions, plus the metropolitan region where the capital, Santiago, is situated.

Chile has implemented a policy of decentralization which is reflected in the transfer of functions to municipalities. The 341 mayors are elected by popular vote every four years and are responsible for administering health services and public and subsidized private educational establishments.

Economic background

The Alliance Governments have incorporated a strategy of growth with social equity into the free-market system, meaning that macroeconomic equilibria are preserved while strong emphasis is placed on social programmes to reduce poverty and marginalization, improve health and provide educational and training opportunities for all Chileans. In addition, they have promoted Chile's international reintegration through participation in global forums and bodies and accession to multilateral and bilateral trade agreements.

A major effort has been made to modernize the State. The Equal Opportunity Plan for Women, 1994–1999, forms part of this process. We shall discuss the Plan in depth under the various articles of the Convention.

Chile's free and open economy is conducive to trade and investment.

In the last nine years, there has been sustained growth, averaging 6.8 per cent per annum. Per capita gross domestic product has increased significantly, from US$ 1,440 in 1986 to US$ 5,100 in 1996.

Public spending and social spending

To achieve increasingly equitable growth, Chile is putting a strong social stamp on its economic model. The intention is that the most disadvantaged sectors should be able to improve their quality of life and integrate fully into the development process.

Social policies are geared towards investing in people and creating greater opportunities for all. In 1994, social spending accounted for 63.3 per cent of total government spending; in 1995, its share rose to 70 per cent.

Overcoming extreme poverty is seen as the biggest challenge facing the country. This means giving priority to economic policies that favour growth and social equity while using social policy to promote productivity and efficiency.

Public investment in, *inter alia*, basic infrastructure and production infrastructure, urban development and telecommunications is also designed to have a beneficial social impact.

Education

Education has always been a central, ongoing concern for the State and for the various social sectors in Chile. Our belief is that it should be the country's principal resource for strengthening the exercise of democracy, sustaining a high rate of growth and competing successfully in international markets.

There are three kinds of schools: free public schools; State-subsidized private schools; and completely private schools.

The State lays down minimum curricula for all schools. Elementary education, lasting eight years, is compulsory and is followed by four years of secondary or vocational education.

Compulsory education: eight years. Enrolment: 3,400,000 pupils. Adult literacy rate: 94.6 per cent.

There are 68 universities in Chile, of which over 50 are private and were established only recently. The main universities are the University of Chile (founded in 1842) and the Catholic University (1888), both of them in Santiago.

Opportunities for higher education have increased and diversified considerably. Not only have many private universities been set up, but vocational and technical training institutes have also been founded. One in four students goes on to higher education. The Government provides loans and scholarships for young people with limited means.

A far-reaching educational reform is being carried out to ensure that future generations will be able to respond to the country's development needs.

Health

There are two health care systems: a public system administered by the State, and a private system covered partly by private health insurance companies (ISAPRES).

Health care absorbs resources amounting to nearly 4 per cent of GDP in the form of contributions from the State and from users. Primary health care for low-income sectors is being strengthened and the number and coverage of clinics and polyclinics is being expanded in both urban and rural areas. A vast programme to renovate and expand the hospital infrastructure, co-financed by the World Bank and the Inter-American Development Bank (IDB), has also been launched.

Social security

In 1981, a reform of Chile's social security system gave rise to a private pension scheme based on individual savings. This has reduced the burden on the State, led to better pensions for retirees, increased the savings ratio and expanded the capital market.

Under the new scheme, workers are required to save for their retirement in private, limited liability, for-profit companies known as pension fund administrators (AFPs).

Over 90 per cent of the workforce, more than 5 million people, now belong to the scheme.

Each member deposits between 12 and 13 per cent of his or her monthly salary into an AFP of his or her choosing. Ten per cent goes into his or her individual account; the rest goes to cover the cost of disability and survivors' benefits. If a member wishes to increase the amount of his or her pension, he or she can also make voluntary deposits. When a member retires, at age 65 for men and 60 for women, he or she begins to receive the amount saved. AFPs invest workers' funds in various financial activities and instruments, both in Chile and abroad. By 1995, the scheme had accumulated funds totalling US$ 25 billion. This represented a savings ratio of 27 per cent of GDP, a Latin American record.

The State regulates the way in which AFPs operate and guarantees a minimum pension if the pension provided by the pension fund is below subsistence level.

Working conditions

Minimum wage: set by law.

Working hours and payment of overtime: the working week is 48 hours over five or six days.

A maximum of two hours' overtime a day is authorized, paid at the rate of time and a half (the overtime must be agreed between the worker and the employer).

Paid holidays: 15 working days per year. After 10 years, this amount increases by one day for every three years worked.

Maternity leave: six weeks before and 12 weeks after the birth of a child. The State pays the mother's salary during this period. The mother may not be dismissed between conception and a year after the end of post-natal leave. She may absent herself from work for a number of hours to breastfeed the child or if the child is ill, until the child is a year old. This right is transferable to the father.

Equal pay: arbitrary wage discrimination is prohibited.

Occupational health and safety: regulated by the Labour Code and supplementary legislation. The health services are responsible for overseeing health and safety conditions.

Compensation for accidents or illness: compulsory insurance for industrial accidents and occupational diseases, paid for by the employer.

Right to unionize: unions can register with the labour authorities, without prior authorization, at all levels (company unions, federations, confederations, national unions).

Replacement and reinstatement of workers by reason of a strike: replacement workers may be recruited or those on strike may be reinstated under certain conditions.

Trade union freedom: the freedom to join and to leave a union is guaranteed. All discrimination on grounds of membership or otherwise in a union is prohibited.

Some basic statistics

Birth rate

Chile, 1980–1997

(Rate per thousand)

Year	*Live births*	*Birth rate*
1980	253 581	22.8
1981	260 273	23.0
1982	274 600	23.8
1983	260 655	22.2
1984	265 016	22.2
1985	261 978	21.6
1986	272 997	22.1
1987	279 762	22.3
1988	296 581	23.3
1989	303 798	23.4
1990	307 522	23.5
1991	299 456	22.5
1992	293 787	21.7
1993	290 438	21.1
1994	288 175	20.6
1995	279 928	19.7
1996	278 729	19.3

Source: 1980–1982, Ministry of Health; 1983–1996, Civil Registry Service, National Statistical Institute, Ministry of Health.

Notes: Population 1980–1989: based on 1982 census. Population 1990–1996: based on 1992 census.

Level of education of the population

General information

Average number of years of schooling, economically active population, by region, 1997

Region	*Total*	*Men*	*Women*
Country as a whole	9.66	9.29	10.43
I	10.30	10.16	10.58
II	10.37	10.25	10.73
III	9.62	9.38	10.28
IV	8.90	8.41	10.14
V	9.83	9.41	10.65
VI	8.71	8.29	9.89
VII	8.03	7.44	9.49
VIII	9.36	8.89	10.41
IX	8.53	7.84	10.72
X	8.12	7.76	9.13
XI	8.41	8.10	9.24
XII	9.97	9.75	10.55
Metropolitan region	10.41	10.26	10.68

Source: National Statistical Institute, National Employment Survey Division of Planning and Budget.

Notes: The national employment survey was used for the calculation. The sample population for the survey was persons aged 15 and over belonging to the workforce.

Educational coverage
General information
Coverage by region at the pre-school, elementary and secondary levels, 1997

Region	*Pre-school*	*Elementary*	*Secondary*	*Total*
Country as a whole	13.81	96.26	82.45	92.00
I	17.83	103.96	92.69	100.00
II	15.13	98.68	82.58	94.00
III	16.67	97.22	81.82	93.00
IV	15.32	100.80	82.54	96.00
V	15.46	98.85	90.40	96.00
VI	14.93	97.92	78.38	92.00
VII	12.19	96.04	77.05	91.00
VIII	12.26	93.41	80.11	90.00
IX	10.34	94.77	77.73	90.00
X	12.47	95.06	72.55	88.84
XI	11.03	96.02	76.62	91.00
XII	13.95	96.68	80.45	92.00
Metropolitan region	14.25	95.47	84.02	92.00

Source: Division of Planning and Budget.

Notes: Pre-school coverage does not include the National Board for Nursery Schools (JUNJI) or the Government's INTEGRA programme. See glossary for method of calculation.

Status of implementation of the Convention on the Elimination of All Forms of Discrimination against Women, December 1998

Part I

Article 1

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

The Convention is the law of the State under the provisions of the second paragraph of article 5 of the Political Constitution of Chile. The definition of discrimination contained in the Convention is therefore fully applicable.

Civil and labour laws expressly prohibit any form of discrimination, including discrimination on the basis of sex. Article 55 of the Civil Code provides that all members of the human race are persons, irrespective of age, sex, birth or status. Article 2 of the Labour Code stipulates that "any discrimination, exclusion or preference based on reasons of race, colour, sex, trade union membership, religion, political opinion, nationality or social origin" is contrary to the principles of labour legislation.

The Political Constitution of Chile, in article 19, paragraph 2, of the chapter establishing constitutional rights and obligations, prohibits legislators and administrative authorities from making arbitrary distinctions between persons.

A bill is currently being considered which would incorporate in this paragraph a sentence clearly stating that men and women are equal before the law.

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women.

(a) To embody the principle of the equality of men and women in the national constitution

Article 1 of the Political Constitution of Chile assures everyone the right to participate in the national life with equal opportunity, while article 19, among other constitutional guarantees, establishes "equality before the law" and states that in Chile there are no privileged persons or groups. In 1996 the executive branch, through the Ministry of Justice and the National Office for Women's Affairs (SERNAM), sent to the National Congress a constitutional reform bill aimed at giving explicit recognition to the legal equality of men and women. The bill proposed incorporating a reference to women in article 1 of the

Constitution, which currently states that "[m]en are born free and equal in dignity and rights", and inserting the sentence "Men and women enjoy the same rights." in article 19, paragraph 2, in order to guarantee constitutional equality before the law.

The proposed change was approved in 1997 by the Chamber of Deputies and is currently awaiting a vote in the Senate. The text adopted by the Constitutional Commission of the Senate, which will be submitted to the full Senate for discussion, proposes the following wording for the changes proposed by the executive branch: article 1 of the Constitution would read: "Persons are born free and equal in dignity and rights" and article 19, paragraph 2, would read: "Men and women are equal before the law."

The National Office for Women's Affairs (SERNAM) was established by Act No. 19,023 of 3 January 1991, which grants ministerial rank to its Director. Its mission is to collaborate with the executive branch in studying and proposing general plans and measures to ensure that women enjoy equality of rights and opportunities with men in the country's political, social, economic and cultural development process.

SERNAM may submit bills to Parliament or sponsor legislation and has its own budget, which is approved by the National Congress. Its Legal Reform Programme studies the various bills and constantly analyses comparative legislation in order to submit proposals to the other ministries. Once the reform bills have come before the National Congress, SERNAM remains in permanent contact with legislators to urge them to adopt these bills.

The officials of SERNAM, namely, the Director-Minister, the Deputy Director and 13 regional directors, are appointed directly by the President of the Republic. The regional directors are the Minister's representatives in each region; they participate in the cabinet of the regional government and serve as advisers to the regional governor. Each of them has made a strategic proposal on incorporating equal opportunity into the regional development strategy, and hence into the management of the regional government and regional investment.

Municipal offices for women are being established to encourage them to participate in political life and to train municipal, judicial, health, education and police officials throughout the country. In some communes, a pilot programme is being run to incorporate equal opportunity policies at the municipal level.

Together with other countries, Chile has strongly supported the concept of equality of opportunities between men and women. Thus, in the Santiago Declaration issued by the Second Summit of the Americas, held in Santiago, Chile, on 18 and 19 April 1998, a total of 34 countries of the Americas agreed as follows:

> "We will combat all forms of discrimination in the Hemisphere. Equal rights and opportunities between men and women and the objective of ensuring active participation of women in all areas of national endeavour are priority tasks."

This Declaration was approved by the Chamber of Deputies and is awaiting ratification by the Senate, which has already endorsed a bill in the Joint Commission amending Constitutional Act No. 18,695 on municipalities to include among the generic functions of municipalities the promotion of "equal opportunities for men and women", a provision which had been eliminated by the Senate but was reinstated. This means that the mayors of the country's 350 communes will be authorized to initiate programmes in pursuit of that aim, something which was not expressly stated before.

(b) To adopt measures prohibiting all discrimination against women

Chile ratified the Inter-American Convention on the Granting of Political Rights to Women and the Convention on the Granting of Civil Rights to Women, both signed in 1948. Published in the *Official Gazette* of 26 May 1975.

Chile ratified the Convention on the Elimination of All Forms of Discrimination against Women, which was published in the *Official Gazette* of 9 December 1989.

On 27 August 1994, Act No. 19,325 on domestic violence was published in the *Official Gazette*. Previously, in 1992, a National Commission on the Prevention of Domestic Violence had been established by Presidential decree, and branches set up in the country's 13 regions, for the purpose of promoting measures, plans and policies to deal with domestic violence. The *Carabineros* (military police) are establishing a Department of Police Protection for the Family, headed by a General (the first woman General in the institution), and 27 specialized units, while the Ministry of Justice has launched a special telephone hotline.

Records show that the number of cases brought before the courts increased after the promulgation of Act No. 19,325. In 1995, 27,404 complaints were filed, in 1996, 58,322 and in 1997, 61,015, representing 6.9 per cent, 10.6 per cent and 11 per cent, respectively, of the estimated potential demand.

From 1992 to 1996, the Women's Rights Information Centres (CIDEM) programme sponsored by SERNAM received 15,000 calls or visits concerning violence, out of a total of 67,000 calls or visits (see art. 5 for figures up to 1998).

Other measures include the oversight and enforcement of sanctions and measures of protection imposed by the courts under Act No. 19,325, where this function is assigned by the courts to SERNAM.

SERNAM represented the Government of Chile on the United Nations Commission on Crime Prevention and Criminal Justice in 1997, when draft resolution III, on crime prevention and criminal justice measures to eliminate violence against women, was adopted.

On 1 September 1998, Parliament ratified the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará), which was promulgated on 23 September and published in the *Official Gazette* on 11 November 1998. In this context, SERNAM will disseminate a booklet explaining the Convention in early 1999 and will later publish the complete text.

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure effective protection of women against any act of discrimination

Constitutional guarantees, including equality before the law, are the first remedy of protection against any discrimination, if they are invoked before the courts.

Other measures have also been taken for the legal protection of women.

In 1996, under the Access to Justice Programme of the Ministry of Justice, preferential treatment was granted to low-income women heads of household.

In 1997, a cooperation agreement was signed between SERNAM and the Ministry of Justice, which provided for the convening of an international seminar on family mediation, a study of case law on applications for protection in situations of discrimination against women and the organization of an awareness-raising seminar on women's rights and equality of opportunity between men and women, targeting lawyers in the metropolitan region.

In 1997, the Legal Assistance Programme continued to operate; 71 per cent of the clients were women, and 39 per cent of the consultations had to do with family matters (alimony, couples in conflict, child support and domestic violence).

A preliminary bill has been drafted on equality of opportunity and defence of women's rights, whose purpose is to provide a framework legal instrument for overcoming discrimination against women in the workplace, education and politics. Its submission to the National Congress is still pending.

In 1996, a bill on family courts, sponsored by the Ministry of Justice, was prepared and submitted to Congress, where it is still being considered. Also in this context, the mediation system has been evaluated through a pilot mediation project under the supervision of the courts. SERNAM has helped in this effort by holding a seminar for lawyers. The objective is to establish mediation as an alternative conflict-resolution mechanism within the family, at first, and later to expand it to other areas such as the local community.

(d) To refrain from engaging in any act of discrimination against women

Compliance with this article is related to the enforcement of current legislation, as described under article 2 (a) and (b).

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise

One of the functions of SERNAM, whose mission is "to collaborate with the executive branch in studying and proposing general plans and measures to ensure that women enjoy equality of rights and opportunities with men ..."(Act No. 19,023 of 3 January 1991, art. 2), is "to consider public policy proposals and request them from the appropriate ministries, and to promote legal, regulatory and administrative reforms so as to attain the aforementioned objectives". It is also responsible for evaluating the implementation of policies, plans and programmes adopted to ensure compliance with the Convention on the Elimination of All Forms of Discrimination against Women, ratified by the Chilean Government on 9 December 1989.

SERNAM has been establishing branches of the network of Women's Rights Information Centres (CIDEM) in the 13 regions since 1991; the network provides information to women about their rights, and how to exercise them, to help promote the full exercise of citizenship and participation on an equal footing with men in Chilean social, political, economic and cultural life. To that end, it provides direct information services in the legal, psychological and social areas, and indirect information services by distributing directories, brochures and pamphlets and by broadcasting radio programmes. In the period from 1995 to 1998, more

than 320,000 people received information through these centres. The centres have also been an effective tool for identifying and registering women's needs.

Plans were made to install electronic CIDEMATICOS (computers available to the public with information on women's rights) throughout the country in 1998. The first was set up in Santiago in the central offices of the Civil Registry and Identification Service (13 November 1998); another will soon be installed in the city of Concepción, in southern Chile, and one each in another five regions, as part of the process of State modernization; by 2000, all 13 regions will be covered.

(f) To take all appropriate measures to modify or abolish discriminatory laws and practices

The Ministry of Education (in the regulation established in Circular No. 247 of 1991) expressly states that educational establishments receiving any type of government financial support may not dismiss a student for being pregnant. However, there remains the problem of private schools: since there is no legal provision on this matter that applies to them, they may decide the future of a pregnant student as they choose.

For this reason, and because a regulatory provision is easily amendable and depends on the views of the Government in power, a bill is under consideration in the National Congress prohibiting the expulsion of a student for being pregnant.

Act No. 19,250, which has been in force since 1996, repealed article 15 of the Labour Code, which used to prohibit women from working in mining, underground or in other activities deemed to be beyond their strength or dangerous to the physical or moral condition of their bodies. This Act refined the labour standards for maternity protection. It allows the mother and/or the father of a child aged under one year to take leave if the child is ill, at the choice of the mother; it establishes the father's entitlement to post-natal leave if the mother dies in childbirth or before the end of her post-natal leave period; and it recognizes, in general, all the rights deriving from maternity in the case of adoption of children.

The National Congress ratified International Labour Organization (ILO) Conventions Nos. 103 and 156, whose purpose is, respectively, to protect maternity and to ensure equal treatment for men and women workers with family responsibilities.

On 9 November 1998, Act No. 19,591 was published, amending the Labour Code in respect of maternity protection, prohibiting the imposition on women of the condition that they must not be pregnant in order to have access to jobs, mobility, promotions and renewal of their contracts, and eliminating the exception whereby women working in private homes were not entitled to maternity leave (see also art. 11, para. 2 (d)).

The Labour Commission of the Chamber of Deputies is discussing a bill on sexual harassment, submitted in 1995, which typifies and sanctions the crime of sexual harassment both in the Labour Code and in the administrative and municipal workers' statutes.

In civil law, Act No. 19,335 of 23 September 1994, which has been in force since October 1996, incorporated the sharing of assets acquired during the marriage as an alternative marital property regime to that of joint ownership. This new system grants women full capacity and, once the marriage is dissolved, allows for proportional sharing of the assets acquired during the period of matrimony.

It also creates the institution of family capital assets (administered jointly by the spouses), a juridical statute for the protection of the immovable property which constitutes the family's principal residence and the movable goods contained therein, in order to preserve them, irrespective of which spouse owns them and which matrimonial regime is adopted.

On 26 October 1998, Act No. 19,585 was published, amending the Civil Code and other bodies of law with regard to filiation. It eliminates any kind of discrimination between children born in and out of wedlock, granting them equal rights of support, inheritance and legal representation. The Act embodies the principle of free investigation of paternity, for which all types of evidence, including biological, are accepted.

The Act also grants legal custody of children born out of wedlock to the mother when the father has not acknowledged them, or has acknowledged them only after the mother has done so. In the case of children born in wedlock, it grants legal custody to the mother when she is separated from her husband and has personal custody of the children. It also improves the surviving spouse's situation, establishing him or her as heir apparent and granting him or her the preferential right to appropriate the property that served as the family's residence, and if the value of the property exceeds his or her hereditary share, he or she has the right to use and occupy it for life.

(g) Repeal of all national penal provisions which constitute discrimination against women

Act No. 19,335 of 23 September 1994 decriminalized adultery, which previously had incurred criminal penalties only for women. The obligation of mutual fidelity has been maintained, with the stipulation that infidelity on the part of either spouse constitutes a civil offence.

SERNAM submitted a bill to characterize the offence of trafficking in women. It was published on 7 September 1995 as a law of the Republic under the number 19,409. This legislation introduced into the Criminal Code the offence of trafficking in women and provided for penalties for anyone who promotes or facilitates the entry or exit of persons into or from the country for the purpose of engaging in prostitution in the national territory or abroad. The law increases the penalty if the victim is a minor, if violence or intimidation are used, if deception or abuse of authority or trust are used, if the victim is in the care of the perpetrator or is related to him or her by a certain degree of kinship, if advantage is taken of the victim's unprotected state or if such conduct is habitual.

Along with the Ministries of Justice and of the Interior, SERNAM submitted to the legislature a bill, which is currently in the final phase of consideration, that changes the legal characterization of certain sex offences. It establishes important procedural measures for facilitating the prosecution and punishment of these offences and for protecting and supporting the victims.

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

The Equal Opportunity Plan for Women, 1994–1999, prepared by SERNAM, has been incorporated into the Chilean Government's programme. The Plan proposes a comprehensive, multisectoral approach to correcting inequalities through a series of measures and actions to be taken by the various State agencies and by civil society as a whole. It covers the areas of legislation, family, education, culture and communications, employment, health, participation and institution-building. The Plan involves not only SERNAM, but also, and to a significant degree, the various Ministries and departments responsible for social, economic and political issues related to equality of opportunity between women and men, as well as to civil society as a whole.

The Plan is the public policy tool for implementing the agreements of the Regional Programme of Action for Women adopted at the sixth session of the Regional Conference on the Integration of Women into the Economic and Social Development of Latin America and the Caribbean (Argentina, 1994), as well as the Platform for Action adopted at the Fourth World Conference on Women (Beijing, September 1995).

SERNAM works with specialists in all sectors in seeking consensuses and measures for bringing about the cultural and legal change needed to guarantee equal opportunity for women. To that end, it participates in interministerial commissions that implement and evaluate actions for women.

Intersectoral coordination emphasizes the generation of strategic alliances and the negotiation and monitoring of policies, measures and actions among different agencies. Since 1997, SERNAM has established close coordination with the Office of the Secretary-General of the Presidency, through the Interministerial Coordination Division. This coordination has resulted in the development of a joint strategy for monitoring equal opportunity policies for women.

The Minister-Director of SERNAM participates in two interministerial committees: the Committee of Ministers in the Social Field and the Productive Development Committee. There are also technical counterparts and work agendas with SERNAM in various services and Ministries (Labour, Education, Health, National Assets, Justice, Economy, Planning and Cooperation, Agriculture and Housing) to incorporate equal opportunity into sectoral policies.

All of the country's regions have set up commissions for the implementation of the Regional Equal Opportunity Plan. These commissions have become an essential political and technical tool for the regional management activities of SERNAM.

The Chilean Government has incorporated into its social agenda, as a priority programme, the National Vocational Training Programme for Low-Income Women, Particularly Women Heads of Household, whose objective is to promote the development of skills and conditions to enable such women to join the workforce on a basis of equal opportunity and to improve their quality of life. This is an interministerial government programme coordinated by

SERNAM and implemented in 84 municipalities throughout the country. To that end, an intersectoral agreement for 1998–2001 has been signed, under which the Ministries of Education, Labour, Health, National Assets and Planning and Cooperation, the National Training and Employment Service (SENCE), the National Board for Nursery Schools (JUNJI) and the Solidarity and Social Investment Fund (FOSIS) have agreed to carry out special programmes targeting low-income women heads of household. The Minister-Director of SERNAM heads the National Directorate of the Women Heads of Household Programme, which also includes the Ministers of the above-mentioned Ministries, the directors of the respective services and the President of the Chilean Association of Municipalities.

Up to December 1998, 30,000 women heads of household and heads of family had taken part in this programme, which is expected to benefit 33,000 more women in the period 1999–2001.

A national intersectoral task force and 13 regional task forces have been set up. They are coordinated by SERNAM and are responsible for implementing and monitoring the National Vocational Training Programme for Low-Income Women, Particularly Women Heads of Household. Representatives of six Ministries, three services and the President of the Chilean Association of Municipalities participate in these task forces.

With the collaboration of the Rural Women's Task Force, which consists of institutions and organizations of civil society, SERNAM prepared, in 1997, the document "Proposals for equal opportunity policies for rural women", which deals extensively with issues relating to peasant women, rural wage-earning women and indigenous women.

In seeking specific measures to ensure women's full development and advancement, the Sectoral Department has signed a total of 23 agreements with various State entities. These agreements are listed below and will be explained as appropriate under the relevant articles.

1. Employment sector: agreements with:

   Ministry of Labour
   Department of Labour
   National Training and Employment Service (SENCE)

2. Education sector:

   Ministry of Education
   Centre for Pedagogical Development, Experimentation and Research
   University of La Frontera
   University of Atacama
   Santos Ossa University
   University for Education Sciences
   Blas Cañas University
   University of La Serena
   University of Playa Ancha

3. Agricultural sector:

   National Institute for Agricultural Development (INDAP)
   Foundation for Agricultural Information, Training and Culture (FUCOA)
   Foundation for Agrarian Innovation (FIA)
   National Forestry Corporation (CONAF)
   Crop Farming and Livestock Service (SAG)

4. Health sector:

   Ministry of Health

5. Justice sector:

   Ministry of Justice

6. Housing sector:

   Ministry of Housing

7. National assets sector:

   Ministry of National Assets (deeds of ownership)

8. National Indigenous Development Corporation (CONADI).

The Government of Chile has signed, without reservations, the agreements reached at all the international conferences and summit meetings in which Chile participated during the 1990s and which have a bearing on the situation of women, particularly the Fourth World Conference on Women (Beijing, 1995), the World Summit for Social Development (Copenhagen, 1995) and, previously, the World Conference on Human Rights (Vienna, 1993).

Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present

Convention, aimed at protecting maternity shall not be considered discriminatory.

Chile subscribed to the Plan of Action adopted at the ninety-first Inter-Parliamentary Conference of the Inter-Parliamentary Union, held in Paris in March 1994, to correct the persistence of a situation in which "political and parliamentary life remains dominated by men ...".

A SERNAM commission has prepared studies on quota laws and other mechanisms in comparative law, with a view to replicating some of the measures through which women in other countries have achieved greater political participation.

On 11 March 1997, a group of men and women deputies submitted to the Congress a bill to promote women's right to participate in national public life. This bill, which establishes that neither sex should account for more than 60 per cent of the candidates for parliamentary elections, has not yet been debated.

Some political parties have adopted affirmative action measures that favour women in the selection process for candidates for election to public office.

Within the ruling Alliance of Parties for Democracy, the Socialist Party, Partido por la Democracia and Christian Democratic Party have introduced affirmative action mechanisms to increase women's participation both in leadership positions and as candidates for public office. Currently, women occupy 27.2 per cent of national leadership positions in the Socialist Party; 22.2 per cent in the Partido por la Democracia; 12.5 per cent in the Christian Democratic Party; and 9 per cent in the Partido Radical Social Demócrata. In the right-wing opposition, women occupy 14.2 per cent of national leadership positions in the Renovación Nacional party; among the left-wing parties outside the ruling coalition, women occupy 20 per cent of national leadership positions in the Communist Party, whose current Secretary-General is a woman.

There are certain legal provisions designed to facilitate women's integration, particularly in the area of employment. Although they served their purpose at first, they may subsequently become a hindrance to women's development and integration on an equal footing. This is the case of provisions protecting maternity, and SERNAM has therefore been promoting changes under which the legislation in question would protect the family as a whole and the parenting role would be shared by both parents, so that responsibility for the care of children and, in general, for their support, upbringing and health would not be borne disproportionately by the mother.

Act No. 19,250 provides that either the mother or the father of a child under the age of one year may take leave in the event of the child's illness, at the choice of the mother.

In 1997, Act No. 19,505 was adopted, granting leave to either the father or the mother in the event of serious illness of a child under the age of 18.

In 1997, at a meeting with the commission established pursuant to International Labour Organization (ILO) Convention No. 144 concerning international labour standards, an agreement was reached to denounce Convention No. 3 concerning Maternity Protection.

Also in 1997, the Government prepared and distributed a booklet entitled "Family responsibilities: a commitment of society as a whole. ILO Convention No. 156 and ILO Recommendation No. 165 on equal opportunities and equal treatment for men and women workers with family responsibilities".

SERNAM is considering a bill that would broaden the coverage currently provided in relation to child-care centres (for children under the age of two), since the current law has the limitation of granting the benefit only to women working in enterprises with 20 or more female employees. One of the alternatives under consideration is to extend coverage to all women workers in the formal sector, meaning all those who have an employment contract and therefore participate in a social security scheme.

Article 5

States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

To help overcome the cultural barriers and sexual stereotypes that make discrimination against women invisible, SERNAM has carried out a number of public information campaigns: "Let's Make a New Deal", "Equal Opportunity for Women", "Woman, Know Your Rights" and

"Better Living without Violence between Men and Women", to name a few.

Through the Women's Rights Information Centres (CIDEM), SERNAM has developed strategies to promote women's rights. Many educational workshops on human rights have been offered to the community at large, attracting 238,267 participants between 1995 and 1998. During the same period, 900,000 booklets and leaflets were distributed on the subject and 2,400 radio programmes were broadcast in all regions of the country.

In implementing the Government's policies, SERNAM has promoted and coordinated the training of civil servants at various levels of decision-making and in various State entities, realizing that efforts to overcome the cultural barriers and sexual stereotypes that hinder women's integration should be incorporated into public policies. That, in turn, requires that civil servants in the various State entities be trained to view the gender system from a critical perspective.

Education, as a basic means by which patterns of conduct are socialized, has also been considered a priority by SERNAM. Accordingly, SERNAM participates in the commission set up to study education reform, with the primary aim of ensuring that the principle of equal opportunity is incorporated into educational plans and programmes and into the main areas of education reform.

Since the family is a basic agent of socialization of social and cultural patterns of conduct, SERNAM has been assigned various functions to improve understanding of family realities and to promote and strengthen the family.

In recent years, understanding of the family has been enriched as the complexities of family life have been taken into account. The family is now seen as another reality to be shared by men and women, while its function of providing support, an environment in which to express emotions and the opportunity for personal development has been identified, together with the balance of power and the conflicts found within it, in which the rights of some of its members are in many cases jeopardized and those members, especially women, are the victims of situations of subordination. It has also been analysed in terms of its function as the first context in which individuals are socialized and in which role models, patterns of conduct, attitudes and values are transmitted and taught to them.

Undoubtedly, the information obtained reveals various kinds of problems that affect the family and require the formulation of responses that promote the viability of families in their various types and configurations.

The basic principles of the second Government of the Alliance of Parties for Democracy (1994–2000) include some approaches to consider in relation to the State's activities with respect to families:

- Promoting the coordination of public and private efforts targeting the family;
- Instituting mechanisms to support and protect families while respecting their specific social and cultural characteristics;
- Carrying out a campaign in support of flexible gender roles within the family, in the context of relations of equity, shared responsibility and affection.

The activities of SERNAM with respect to the family reflect the basic principles of the current Government, the Beijing Platform for Action, the human rights conventions in force, the report of the National Commission for Family Affairs and the Equal Opportunity Plan for Women, 1994–1999, together with its thematic priorities.

In this context, two programme areas have been identified which reinforce each other in empowering families as an environment for human development and for the enjoyment of rights with equal opportunity for all their members: the prevention of teenage pregnancy and the prevention of domestic violence.

The programme on teenage pregnancy, launched in 1991, has involved the participation of a number of specialists and scholars on the subject. The recent redesign of the programme in the light of experience and systematized information defines as its basic purpose the provision of support for sex education from a socio-emotional perspective for teenagers, their families and their communities, and the elaboration of proposals for public and social policies to help create the necessary conditions for preventing teenage pregnancy. The programme is being implemented at three levels: communication, generation and systematization of knowledge, and intersectoral activities.

The intersectoral commission on the subject, coordinated by SERNAM, is carrying out a project whose primary focus is the designation of special days for community dialogue on emotional health and sexuality (JOCAS), which are being observed, for the second year, in secondary schools and community organizations in various regions of the country. The task of SERNAM in this commission is, first, to integrate knowledge and increase the visibility of the subject among young people and families; second, to design an ad hoc information strategy; and third, to conduct consultations and studies to serve as inputs for intersectoral efforts and the design of proposals for action.

The National Programme for the Prevention of Domestic Violence, launched by SERNAM in 1992, is intended to help place the problem of violence against women on the public agenda. To that end, efforts under the Programme have been coordinated with those of other State sectors with a view to designing and/or interlinking initiatives to deal with the problem. Currently, the Programme is beginning a new phase of activity that revolves around the following objectives:

- Helping to improve the existing supply of public services for individuals affected by situations of domestic violence;
- Promoting social rejection of violence as a means of settling disputes and controlling women's behaviour within the family;
- Taking initiatives to prevent domestic violence, with emphasis on education in non-violent conflict resolution.

Between 1997 and 1998, the Programme provided technical advice to 19 comprehensive care centres for victims of domestic violence, 111 programmes for victims of domestic violence and 164 institutional networks to support victims and prevent domestic violence at the community level.

During the same period, educational projects on conflict resolution were carried out. They targeted the school community in the first cycle of basic education in the formal educational system, and involved the participation of 800 teachers and 5,000 pupils, along with their fathers, mothers and guardians.

Additional efforts to prevent domestic violence targeted community organizations and groups, and information campaigns utilizing all the media were carried out to raise public awareness of the problem of domestic violence. "Better Living without Violence between Men and Women" was one such campaign.

With respect to the promotion of shared family responsibilities, the following activities have been carried out:

- Elaboration of a module for couples and provision of information to individuals and groups in various contexts (schools and regional teams, among others);
- In 1997, the holding of a national seminar on the relationship between the family and the school, in coordination with the Ministry of Education;
- In 1998, the distribution of a booklet on shared family responsibilities, as part of a kit with materials provided by the Ministry of Education, in centres for parents and guardians throughout the country.

In terms of measures to help families bring up individuals on the basis of equal rights in the areas of sexuality, emotional health and non-violent conflict resolution, an intersectoral referral system for cases of domestic violence was developed. Publicity initiatives are being taken to promote the rejection of domestic violence, using the staff of registry offices in the regions. A model for family mediation is also being prepared as an alternative to the judicial settlement of disputes, and efforts are being made to promote the discussion of adolescent sexuality and emotional health, including the production of documents and publicity materials and the organization of a young people's playwriting contest.

In 1996, SERNAM conducted a study on the sharing of responsibilities within the family. In 1997, a publicity campaign on ILO Conventions Nos. 156 and 103 was carried out and a leaflet, "Family responsibilities: a commitment of society as a whole. ILO Convention No. 156 and ILO Recommendation No. 165 on equal opportunities and equal treatment for men and women workers with family responsibilities", was distributed.

A study is also being conducted of the action which various companies (national and international) are taking to help their employees balance their working and family lives.

As coordinator of the intersectoral commission, SERNAM is implementing a teenage pregnancy prevention programme, in conjunction with the Ministry of Health, and is organizing special days for dialogue on emotional health and sexuality for children and adolescents in schools, as well as for teachers, parents and guardians, in conjunction with the Ministry of Education and the National Youth Institute.

These are events in which participants role play and analyse problems and think about ways of dealing with the issues raised. By mid-1998, nearly 400 such days had been organized, reaching over 300,000 teenagers. Young people, teachers, psychologists, midwives, parents and, in some cases, clergy have taken part, and the days have been conducted in a way which fully respects participants' differing sets of values.

The days help participants to discuss issues more openly and thus to learn to take responsibility for their emotional health and sexuality.

SERNAM has monitored the implementation of Ministry of Education Circular No. 247, whose purpose is to keep pregnant girls in the education system. Information on this issue in included in the scholastic performance form.

Article 6

All appropriate measures, including legislation, shall be taken to combat all forms of traffic in women and exploitation of prostitution of women.

Chile signed the Declaration and Programme of Action of the World Conference on Human Rights (Vienna, 1993), article 18 of section I of which states that "gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person, and must be eliminated ...".

In Chile, the exploitation of prostitution is outlawed by article 367 of the Criminal Code, which punishes both its promotion and its facilitation.

That article characterizes the crimes of promotion or facilitation of prostitution or corruption of minors to satisfy another's desires, stipulating that the conduct must be habitual or involve abuse of authority or of trust in the person engaging in such conduct. This article can be applied to both trafficking and the exploitation of prostitution, but only on a fairly limited basis in that it is restricted to minors and to conduct which is habitual or involves abuse of authority.

On 7 September 1995, Act No. 19,409 on trafficking in women, a crime characterized in the Chilean Criminal Code, was promulgated. The Act added to the Code an article 367 *bis* expanding the existing characterization to include international trafficking in prostitution and thereby broadening the definition in article 367, in that it criminalizes the promotion or facilitation of the entry or exit of persons into or from the country for the purpose of engaging in prostitution within the country or abroad and does not require the active subject to have engaged in any conduct beyond this. Under the new article, if the active subject engages in such conduct habitually; abuses trust or authority; uses deception, violence or intimidation; is an older or younger relative, husband, brother, guardian, caregiver or person responsible for the upbringing of the victim; or if the victim is a minor, the prison sentence is increased from the maximum medium term (5 years) to any of the longer terms (5 years and 1 day to 20 years) imposed by article 367.

Article 41 of the Health Code establishes that statistics must be kept on persons working in the sex trade, and bars them from grouping together to form brothels. The police are responsible for monitoring compliance with this article and are required to close premises where such brothels are in operation.

With regard to the laws on child prostitution, it was already noted that article 367 of the Criminal Code penalizes anyone who promotes or facilitates such prostitution, provided that the person engages in such conduct habitually or abuses authority or trust.

As stated above, there is no specific characterization of the offence of traffic in women. Article 367 *bis* of the Criminal Code refers generically to trafficking in persons, restricting the typified conduct to that which is international in nature.

We cannot provide any kind of statistics on the number of cases involving trafficking in women over the past five years, because article 367 of the Criminal Code typifies conducts which do not just involve trafficking, and it restricts the passive subject of the offence to minors, both girls and boys.

While article 367 *bis* of the Criminal Code is more specific in typifying the crime of trafficking, it only came into force in September 1995 and the National Statistical Institute does not yet have statistics for that year.

The obstacles to eliminating exploitation of prostitution and traffic in women reside in the existing legislation, in socio-economic factors and in the actual nature of the conducts in question.

SERNAM took part in the debate on a parliamentary motion to introduce in Chile legislation criminalizing trafficking in women. Act No. 19,409 on trafficking in women was promulgated on 7 September 1995 (see art. 2 (g)).

At the fifty-third regular session of the United Nations Commission on Human Rights, in 1997, the Chilean delegation was a sponsor of the draft resolutions on traffic in women and girls and elimination of violence against women.

Part II

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

In Chile, women's right to vote in parliamentary and presidential elections was recognized by law only on 8 January 1949.

In 1975, Chile ratified the Inter-American Convention on the Granting of Political Rights to Women and the OAS Convention on the Granting of Civil Rights to Women, both signed in 1948.

Some progress in the area of affirmative action was mentioned under article 4.

Thirteen (10.8 per cent) of the 120 members of the Chamber of Deputies which took office in March 1998 are women, while 2 (4.3 per cent) of the 38 members of the Senate are women. Of the 35 parliamentary commissions, 32 are chaired by men and 3 by women.

Participation of women in the National Congress 1951–2002

Year	*Both sexes*	*No. of women*	*Percentage*
1951–1953	192	1	0.5
1953–1957	192	2	0.9
1957–1961	192	3	1.5
1961–1965	192	5	2.6
1965–1969	192	14	7.2
1969–1973	200	10	0.5
1973	200	15	7.5
1990–1993	167	10	0.5
1993–1997	167	12	7.1
1998–2002*	168	15	8.9

Source: Latin American Women in Figures, Chile. FLACSO, 1992.

* Electoral Service, Ministry of the Interior, December 1997.

The figure for women's participation in government office is also low: 11.7 per cent.

Chile. Women's participation in domestic government, 1997

Government officials	*Total No.*	*No. of women*	*Percentage participation (approx.)*
Governors	50	5	10
Provincial governors	13	1	7.7
Ministers	21	3	15
Under-secretaries	27	4	14.8
Total	**111**	**13**	**11.7**

Source: Ministry of the Interior. Electoral Service, March 1998.

The SERNAM Participation Commission has been working actively on the issue of women's participation. It is chaired by a former woman deputy and comprises experts from various disciplines.

SERNAM strongly supported the inclusion of this topic on the agenda of the seventh session of the Regional Conference on the Integration of Women into the Economic and Social Development of Latin America and the Caribbean, held in Santiago from 19 to 21 November 1997.

Women's participation is also being promoted through the implementation of the Regional Programme of Action for the Women of Latin America and the Caribbean, 1995–2001, adopted at the sixth session of the Regional Conference, held in Mar del Plata, Argentina, in September 1994.

In 1996, out of a total of 341 communes, 32 (9.3 per cent) elected women mayors, while 258 women were elected councillors (14.4 per cent).

In 1997, there were 4,191,959 registered women voters, accounting for 51.95 per cent of the electorate, as compared with 3,877,665 men (48.05 per cent).

Through its 13 Women's Rights Information Centres (CIDEM), SERNAM has focused on designing tools for promoting women's participation and strengthening their leadership. In 1997 and 1998, leadership training courses were organized for over 1,500 women to empower them as citizens and subjects of rights.

In order to foster coordination between the State and civil society, numerous mass events focusing on the issue of women's political and social participation and involving over 22,000 women (parliaments, town meetings and social dialogues) were held between 1995 and 1998. These gave

rise to permanent forums such as the women's regional round tables.

SERNAM, in conjunction with other ministries, has signed commitments with organizations of civil society, organized around the National Forum to Follow Up the Beijing Declaration and Platform for Action, on carrying out a number of specific measures to improve the situation of women in the areas of political power and decision-making.

In 1997, it was proposed that women be allowed to join the Chilean air force and a study was conducted with a view to incorporating women at regular officer level by the year 2000. The intention is to begin the process of incorporating women at regular officer level in 1998.

Act No. 19,570, published in the *Official Gazette* on 11 July 1998, restructured and established the staffing table and ranks of the *Carabineros de Chile* (military police) and created the first place for a woman in the rank of General. As a result, in November 1998, Colonel Mireya Pérez Videla was promoted to the rank of General and put in charge of the Department of Police Protection for the Family. She is 49 years old, married, has two children and has served in the *Carabineros* for 30 years. She is the first woman in Chile and Latin America to occupy such a high rank in the uniformed police.

In the army, women began to be admitted to officer training at the Military College in 1997 and the first women second lieutenants are expected to graduate at the end of the year 2000.

Men and women attend the *Policía de Investigaciones* (civilian police) training school and there are already women detectives working throughout the country, although there are no women in leadership positions.

The Rural Women's Task Force, a forum for dialogue and participation, was set up, consisting of public agencies, non-governmental organizations, international agencies and organizations of peasant and indigenous women which collaborated on the preparation of the SERNAM document "Proposals for equal opportunity policies for rural women" (1997).

In 1995, the Fund for Civil Society was set up, financed under a cooperation agreement with Sweden, administered by SERNAM and designed to support equal opportunity initiatives by social organizations. To date, there have been three invitations to compete for funding, and 74 organizations and institutions of civil society from throughout the country have been successful in obtaining funding.

In 1998, the SERNAM office for the metropolitan region is inviting organizations of civil society to compete for funding for pilot and decentralized management projects.

In 1996, 13 leadership training workshops were held, in which 165 women seasonal agricultural workers took part. In 1997 and 1998, 14 more workshops were held, attracting 297 participants.

SERNAM plans to continue its participation in and follow-up of the tripartite work agenda among workers, employers and the Government at the third forum on productive development.

In 1996–1997, a work plan was designed for encouraging rural women to join production, representation and community organizations.

As part of the promotion of women's participation and organization under the programmes for women seasonal workers and women heads of household, 28 regional forums were held in 1998, bringing together 2,132 women seasonal workers. Eighty community forums, 13 regional forums and one national forum were also organized for women heads of household, bringing together 8,000 women heads of household and family to evaluate the corresponding programme and propose improvements to deal with their specific needs and problems.

In 1997, the Ministry of National Assets began to implement the Equal Opportunity Plan for Women. It has introduced flexible working hours for staff with young children or elderly or disabled relatives in their care, promoted training for female staff and extended the hours of the nursery and day-care centre.

Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Chile has participated actively at the international level on issues related specifically to women and on development issues requiring the mainstreaming of a gender perspective.

SERNAM has headed or been a part of the official government delegation to, and has participated actively in, all the regional and international conferences and summit meetings held in the 1990s, particularly the World Conference on Human Rights (Vienna, 1993), the International Conference on Population and Development

(Cairo, 1994), the World Summit for Social Development (Copenhagen, 1995) and the Fourth World Conference on Women (Beijing, 1995).

Chile is actively committed to fulfilling the mandate of the General Assembly, which outlines the policies to be pursued in the various activities of the United Nations and has advocated the mainstreaming of a gender perspective in all policies and programmes of the United Nations system.

In November 1997, at ECLAC headquarters in Santiago, SERNAM and the Ministry of Foreign Affairs organized the seventh session of the Regional Conference on the Integration of Women into the Economic and Social Development of Latin America and the Caribbean, which culminated in the adoption of a document, the "Santiago Consensus", which was submitted to the General Assembly in September 1998 for distribution as an official document of the United Nations.

Chile presided over the seventh session of the Regional Conference and will continue to preside over the Conference until the year 2000. In 1998, SERNAM followed up the agreements signed at the session and the Minister-Director of SERNAM chaired two meetings of the Bureau of the seventh session, which consists of 11 countries. The first meeting took place in July in Santiago and the second in December 1998 in San Salvador, El Salvador.

In June 1998, the Minister-Director of SERNAM took part in a meeting of ministers responsible for women's policies, within the framework of the Asia-Pacific Economic Cooperation forum held in Manila, the Philippines, and later made an official visit to the People's Republic of China.

In September 1998, the Minister-Director of SERNAM took part in the fourth Ibero-American Meeting of Women Ministers and Policymakers on Women's Issues, held in Caracas, Venezuela. The Meeting is a component of the Ibero-American Conference of Heads of State and Government, the latest of which was held in Portugal.

Through SERNAM, Chile participates in the OAS Inter-American Commission of Women (CIM), to which, last July, it submitted a national report on the situation of women. The Deputy Director of SERNAM attended the twenty-ninth assembly of CIM-OAS delegates, held in Washington, D.C. in December 1998.

SERNAM was actively involved in the drafting of the Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará) and organized an international forum on the Convention in December 1994 in which 11 countries took part.

In Chile's foreign service, there are only four women ambassadors, representing 4.3 per cent of the total. There are three women minister-counsellors (4.4 per cent) and only two counsellors (2.5 per cent).

Women account for 12.5 per cent of heads of mission to multilateral organizations. All five posts of Director-General in the Foreign Ministry are occupied by men, but women account for 52 per cent of heads of department.

Two organizations of the United Nations system also have Chilean women in senior management positions.

Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men in respect to the nationality of their children.

Article 10 of the Constitution states that Chileans are persons born in the territory of Chile (*jus solis*) and children born abroad of a Chilean father or mother who is in the active service of the Republic. If the parent is not in such active service, the child acquires Chilean nationality simply by residing in Chile for more than one year.

Therefore, in cases where the Constitution considers *jus sanguinis*, the nationality of each parent carries equal weight; it is sufficient for either parent to be Chilean in order for the child to acquire Chilean nationality in accordance with the conditions provided in the Constitution.

Article 11 sets forth the grounds for loss of Chilean nationality, without differentiating between men and women.

A woman's nationality is not affected in any way by marriage to an alien or a change of nationality by her husband. If a woman is forced to acquire her husband's nationality under the laws of his country, she will lose her Chilean nationality because dual nationality is not recognized by Chile unless there is a bilateral treaty on this issue between Chile and the country whose nationality is acquired. Men and women alike are subject to these provisions.

Under article 10 of the Constitution, women and men have the same rights to acquire, change or retain their nationality. There are no gender-based social, cultural or

economic factors that affect the exercise of those rights. The equal rights of the father and the mother with respect to the nationality of their children are also stipulated.

Part III

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

In 1996, SERNAM prepared a study on the transmission and construction of female and male identities in pre-school education, which has been disseminated in seminars organized by different bodies involved in pre-school education. A pre-school curriculum reform commission, composed of representatives of the Ministry of Education, JUNJI, INTEGRA and the World Organization for Early Childhood Education (OMEP), was recently established.

In 1997, SERNAM prepared a proposal for the inclusion of equal opportunity in the basic objectives and minimum contents of the curriculum for elementary education (Decree No. 40). Comments and suggestions were sent which were not accepted by the Ministry. A cross-cutting goal concerning non-discrimination on grounds of sex was the only point on which there was agreement.

With respect to curricula, in 1997 SERNAM prepared and transmitted to the Ministry of Education a study analysing the ways in which other countries (Canada, Colombia, Spain) had mainstreamed a gender perspective into elementary school curricula.

As far as proposals for the curriculum of the first four years of elementary education are concerned, methodological proposals for implementing cross-cutting goals were transmitted to the Ministry. Some aspects concerning the principle of equal opportunities for women were incorporated into the drafting of the respective plans and programmes.

SERNAM prepared a proposal for incorporating the principle of equal opportunities for women into the curriculum for the sixth year of elementary education. It also gave advice on this issue to the team from the Ministry of Education curriculum unit responsible for preparing the plans and curricula for elementary grades five to eight.

As far as secondary school curricula are concerned, SERNAM prepared and transmitted to the Ministry of Education a proposal for incorporating the principle of equal opportunities for women into the curricula for the first and second years of secondary education.

Within the framework of the annual plans for the development of education at the municipal level, a workshop was organized in 1997 to analyse the strategy for mainstreaming a gender perspective into instruments for curriculum decentralization. The workshop was attended by experts from the Ministry of Education, directors of municipal education, non-governmental organizations and SERNAM officials. In 1998, SERNAM prepared a proposal for incorporating the principle of equal opportunities for

women into the municipal education development plans of the commune of La Florida.

In higher education, SERNAM organized two workshops with university lecturers to analyse the situation of women in universities. The first workshop was a forum with university administrators and/or lecturers, which addressed the topics of women and development in Latin American universities and the situation of women in higher education. It was attended by 74 academics. The second workshop analysed how the situation of women is currently viewed in European and Latin American universities; 94 academics participated.

With respect to the mainstreaming of a gender perspective into undergraduate teacher training curricula and the training of future teachers in 1997, SERNAM signed agreements with the following universities in different regions of the country: Blas Cañas University, José Santos Ossa University, Metropolitan University for Education Sciences, University of La Frontera, University of Atacama and University of Playa Ancha.

Regional seminars were conducted at three of the country's universities (University of Playa Ancha, Blas Cañas University and EDUCARES) to disseminate the results of the study on the mainstreaming of a gender perspective into the undergraduate teacher-training curriculum.

SERNAM has carried out many studies to analyse the situation of women at different levels of education, in the family, in school textbooks and in elementary and secondary education, including the following:

- Pre-school education: "Transmission and construction of female and male identities in pre-school education", CIDE, 1996; comparative study of various non-conventional childcare strategies and methods, Kotliarenco, 1996; analysis of childcare systems for the children of working women, March 1995;
- Family: Relationship between the family and the school: systematization and bibliographical analysis, Gubbins and Jensen, 1996; Sharing of family responsibilities. Proposed educational module, Sharim, September 1997;
- School textbooks: Current situation with respect to sexism in school textbooks, Binimelis, 1994;
- Adult education: Evaluation of adult education programmes in terms of their impact on access by women participants to the job market, PIIE, March 1997; Evaluation of training manuals, Victoria Nieto (1996);
- Elementary and secondary education: Analysis of the ways in which other countries have mainstreamed a gender perspective into elementary and secondary school plans, curricula and textbooks, PIIE, January 1997;
- Higher education: Mainstreaming a gender perspective into undergraduate teacher-training plans and curricula, PIIE, December 1997.

As part of the "Education and gender" component of the SERNAM training programme for public employees, aimed at training teachers of municipal schools, workshops for a total of 653 teachers (103 men and 550 women) were held in 1996 in all the regions of the country.

Through the Women's Rights Information Centres, SERNAM conducts awareness-raising workshops on non-sexist education in various regions, for teachers and guidance counsellors in private schools and for university students taking education courses.

A proposed course for the Distance Teacher Refresher Programme of the Centre for Pedagogical Development, Experimentation and Research (CPEIP) of the Ministry of Education, prepared by SERNAM, was taught in 1997 to 1,000 teachers.

In 1998, pursuant to the SERNAM-CPEIP agreement, 500 fellowships were awarded to teachers of both sexes under the CPEIP Distance Teacher Refresher Programme on the topic "Gender equality = equal opportunities".

In the area of school textbooks and teaching aids, SERNAM:

- Conducted an information and training seminar for editors, writers and illustrators of school textbooks;
- Published a manual for the production of non-sexist school textbooks, entitled "Raising the female profile";
- With respect to training manuals for the adult education programme, designed and published two manuals on the theme "Women and work". These manuals have been submitted to the adult education programme for distribution to adult education establishments.

Through the programme on sex education and emotional health and the programme to prevent teenage pregnancy (PREA), SERNAM has worked to support the special days for dialogue in schools on emotional health and sexuality (JOCAS) (see article 5 (b)).

Under the National Programme for the Prevention of Domestic Violence, modules on non-violent conflict resolution for pupils of elementary grades 1 to 4 have been designed and are being implemented on an experimental basis in region VIII. The results of the pilot programme were published in 1998. Awareness-raising seminars have been conducted for teachers and guidance counsellors in regions I, III, IV and VII and the metropolitan region. This year, the application of the module on non-violent conflict resolution was extended to 30 schools in as many communes. The following activities were also conducted: a workshop entitled "Growing and developing in an emotionally healthy environment" was organized for teachers, mothers and fathers of nursery school children in region XI; workshops on violence and how to prevent it, for first-year secondary students in municipal schools in region XII; a survey on domestic and family violence in all municipal schools in region XII; a pilot training programme on the prevention of domestic violence for teachers and instructors in the metropolitan region; and awareness-raising seminars for teachers, members of the provincial board of education (DIPROV), cross-cutting programmes and the municipal board of education (DAEM) in region IV.

Although there is no *de jure* discrimination in this particular area, the fact that many more men obtain scholarships than women is a cause of growing concern.

Under the adult education programme focusing on the female population[2], in 1997 an assessment was made of adult education programmes in terms of their impact on access by women participants to the job market; the evaluation was carried out by SERNAM and provided as an input to the Ministry of Education Adult Education Programme.

Women participating in the women heads of household and women seasonal workers programmes are the focus of literacy and remedial teaching programmes under the Ministry of Education Adult Education Programme. The Ministry is adapting the basic remedial teaching programme for workers to the needs of women heads of household. It is planning remedial courses for the 14,000 women participating in the programme for women heads of household and the necessary budget was included in the budget estimates for the basic remedial programme for workers under the Adult Education Programme. It has been proposed that issues relating to women seasonal workers and labour rights should be included in the adult education curricula, beginning with region IX.

Childcare is one of the main problems preventing access by women heads of household to education programmes. In this regard, the hours of day-care centres and nurseries run by the National Board for Nursery Schools (JUNJI) and INTEGRA (a foundation headed by the First Lady of Chile that provides assistance to minors) have been extended to tailor them to the needs of working women in general, and women heads of household in particular. INTEGRA undertook to include women heads of household as one of the priority groups for assistance under the JUNJI and INTEGRA programmes. Under the second phase of the programme for women heads of household, JUNJI had included the creation of 10,000 new extended time-slots for the next four years, and the institution-building of day-care centres for children of women seasonal workers. The establishment of such centres requires JUNJI, the national school assistance and scholarship board, the Department of Sports and Recreation (DIGEDER) and INTEGRA to coordinate their work.

The second national youth survey, carried out in 1997 at the request of the National Youth Institute, covered a total of 3,446 young people aged between 15 and 29 years. It revealed that the reason why boys drop out of school at an early age is that they take a conscious decision to go out to work, while girls drop out because of pregnancy or marriage. Such problems particularly affect young people from low socio-economic strata, among whom the school drop-out rate is 60 per cent. The drop-out rates in middle and upper socio-economic strata are 33.2 per cent and 1.7 per cent, respectively. Gender-disaggregated statistics yield similar drop-out rates. The first survey, conducted in 1994, showed a drop-out rate among girls of 50.8 per cent, which had fallen to 49.8 per cent by 1997; among boys, the rate was 43.4 per cent in 1994 and 42.3 per cent in 1997.

The survey shows that women's prospects for continuing their education are limited by marriage or pregnancy, reflecting the continuing impact of traditional cultural patterns on the behaviour of young people. Men are responsible for the economic upkeep of their families and for earning an income, which is why socio-economic status is so important to them. Women marry or have children rather that continue their education, the main determinants of their behaviour being family-related.

As already noted above, the Government has taken steps to tackle the school drop-out problem through the

[2] The Ministry plans to initiate adult education reform and has invited SERNAM to participate as soon as the reform is under way. Thus far, the inclusion of adult education in overall educational reform has been through the design, printing and distribution of teaching materials (training manuals).

programme for women heads of household, under which remedial classes for adults are provided.

In 1996 and 1997, 2,852 women heads of household participated in adult education remedial programmes (agreement between SERNAM and the Ministry of Education). In addition, 744 women seasonal workers from 19 communes participated in such programmes.

In presenting activities related to article 5, reference was made to the intersectoral strategy for the prevention of teenage pregnancy, which included the holding of special days for dialogue on emotional health and sexuality (JOCAS) and a related communication strategy.

Pursuant to Circular No. 247 of the Ministry of Education, a significant number of pregnant teenagers and/or mothers have managed to remain in elementary and secondary education in all types of State and State-subsidized schools.

In 1997, health workers in 15 health departments were trained as counsellors on sexual and reproductive health.

SERNAM and the Ministry of Health have conducted regional seminars to educate health sector staff and work teams about the need to mainstream a gender perspective into their daily activities.

In 1997, as part of the series of special days for dialogue on emotional health and sexuality (JOCAS), 27 training workshops were conducted for local management teams; regional supervisors and coordinators were trained; health personnel were involved in 201 school and 7 community JOCAS; and 224 JOCAS were conducted in nine of the country's regions (see also article 5 (b)).

As a goal for 1998, it was proposed to test a model methodological and communications strategy for education on sexual and emotional health, designed in collaboration with the Ministry of Education, the Ministry of Health and the National Youth Institute.

Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings

Chile has ratified a number of International Labour Organization Conventions concerning non-discrimination against women in respect of employment.

They include: Convention No.3 concerning the Employment of Women before and after Childbirth (1919), ratified in 1925 and denounced in 1997; Convention No. 45 concerning the Employment of Women on Underground Work in Mines of All Kinds (1935), ratified in 1946; Convention No.100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (1951), ratified in 1971; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation (1958), ratified in 1971; Convention No. 4 concerning Employment of Women during the Night (1919), ratified in 1931 and denounced in 1976; Convention No. 103 concerning Maternity Protection; and Convention No. 156 concerning Equal Opportunities and Equal Treatment for Men and Women Workers with Family Responsibilities, ratified in 1994.

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment

As has already been pointed out, the Constitution expressly includes among its constitutional guarantees freedom to work and, in article 19, paragraph 16, prohibits any discrimination which is not based on personal ability or suitability, although the law may require Chilean nationality or impose age limits in certain cases. The main objective of this provision is the freedom and voluntary nature of work. In practice, however, the freedom and voluntary nature of work are possible only when there is a specific job offer and the employer has determined in advance the requirements (*inter alia*, sex) that must be met by applicants for the position.

Nevertheless, sexism persists in criteria for selecting personnel.

In 1996, the unemployment rate was 7.3 per cent for women and 4.9 per cent for men.

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training

In spite of Chile's continuous economic growth and the emergence of new jobs and opportunities, women's real opportunities have not changed significantly in recent years; a work culture has persisted that identifies occupations and

professions according to a person's sex, as in a segmented market. This means that women have fewer opportunities for career advancement, and also for training and recurrent training, than do men.

Women also have fewer opportunities for advanced training, since such training is, for the most part, geared towards higher management levels, where the number of women is rather low.

All the studies conducted by the National Training and Employment Service show that today there is particular concern about this problem, which has become the subject of debate and proposals in the tripartite talks between the Government, workers and employers.

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work

Article 2 of the Labour Code stipulates that "any discrimination, exclusion or preference based on reasons of race, colour, sex, trade union membership ... is contrary to the principles of labour legislation. Consequently, no employer may apply such conditions to recruitment ...". This is the only explicit provision on non-discrimination that the Code contains.

There is a wage gap between men and women that increases with the level of education. According to data of the survey of socio-economic trends (CASEN 1996), of the Ministry of Planning women earn, on average 70.3 per cent of what men earn. The same survey shows that there has been a 35.5-per-cent increase in female employment. The employment rate in urban areas is 38.2 per cent for women and 74.5 per cent for men, while in rural areas that rate is 20.1 per cent for women and 75.4 per cent for men.

Chile has ratified International Labour Organization (ILO) Convention No. 100 concerning Equal Remuneration.

There are approximately 200,000 women seasonal workers, who account for 52 per cent of the workers in the export agribusiness. Their situation is very precarious both in terms of working conditions, organization of work, working hours, wage differential and instability, and in terms of care for their children during the long workday. Between 1997 and 1998, action to promote and provide information about rights increased: 20,000 booklets on labour rights were distributed to women seasonal workers and 3,769 such workers took part in community workshops on labour rights and occupational health conducted in cooperation with the health services and the Department of Labour. The Department of Labour also conducted campaigns and inspections in the interests of female workers.

Concurrently, SERNAM is carrying out preliminary studies as input to legislative initiatives on health insurance and the control of pesticides. In 1996, regional task forces in the areas of work and education were set up in order to focus attention on and coordinate programmes for women seasonal workers in regions IV, V, VI, VII, VIII, IX and the metropolitan region.

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave

The Constitution establishes the right of all persons to social security regardless of race, sex, descent or status.

In May 1981, a new social security system entered into force with the establishment of pension fund administrators, which offer old-age pensions and disability and survivors' benefits. The State guarantees minimum pensions for these contingencies, subject to the fulfilment of certain requirements by the participant. Participation in the system is compulsory for all dependent workers (in the civilian sector) and voluntary for self-employed workers. The system is administered by private corporations — the pension fund administrators (AFPs) — which are regulated by government agencies, principally the Superintendency of Pension Fund Administrators. Workers may participate in the AFP of their choice and change AFPs depending on what they have to offer.

At the same time, the State maintains a long-established social security system through the Institute of Social Security Normalization. Officers in the three branches of the armed forces, the *Carabineros* and the *Gendarmeria* have their own social security system. With regard to legal retirement age, the social security law allows women to retire at age 60 and men at age 65 (although both men and women have the option of retiring early, if they have sufficient savings in their individual accounts, or of continuing to work beyond the legal retirement age).

The report entitled "Evaluation of the Suitability of the Individual Investment Pension System for Female Chilean Workers", commissioned by SERNAM in 1995, concluded that discrimination against women does exist. While social security legislation does not discriminate with respect to the acquisition of rights to a pension (contribution), it does discriminate with regard to access to pensions: old-age pensions are calculated on the basis of gender-disaggregated mortality tables; women's participation does not generate

a widowers' pension unless the husband is disabled; women's participation does not generate survivors' benefits; and there are differences in the legal retirement age.

If a woman receives a pension at the same age and with the same amount of capital in her individual investment account as a man, she receives an old-age pension that is lower than a man's old-age pension (regardless of the type of pension). The reason for this is that gender-disaggregated mortality tables are used to calculate old-age pensions, since average life expectancy for women is higher than that for men.

The unfavourable situation of women as compared to men is also due in large part to differences in their participation and length of employment in the labour market.

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction

In Chile, there are two compulsory health systems for workers: the State system — the National Health Fund (FONASA), whose members are for the most part people with low incomes, and the private system, covered by private health insurance companies (ISAPRES). The private system poses a number of obstacles for women, particularly with regard to the requirements that must be met for participation in the system.

The ISAPRES system operates as a private health insurance scheme, with everything that that implies. The participation of men or women whose health needs may result in higher relative outlays for the system is either avoided or charged at a higher rate.

Three factors determine the quality of coverage in the private system: age, sex and the participant's income. As the participant ages, he or she has greater need for medical coverage and, consequently, the cost for the health insurance company increases. The cost of participation for senior citizens is therefore higher.

Women are associated with the relative costs of maternity (maternity leave benefits, medical leave for pregnancy and childbirth, and post-partum care), specifically female diseases determined by their biological profile, and greater life expectancy, which means that ISAPRES have to cover them for a longer period of time.

Finally, the income of the participant determines the quality of the health plan that he or she can participate in and the benefits that can be received.

Discriminatory practices against women decreased with the adoption of Act No. 18,418 of 11 July 1985, which stipulates that the payment of maternity benefits and leave to care for a sick child under one year of age shall be assumed by the State. Only benefits for additional pre- and postnatal leave are covered by ISAPRES.

In 1990, Act No. 18,938 was promulgated; the Act established the Superintendency of ISAPRES as a public body responsible for monitoring and inspecting the health insurance companies.

In 1995, Act No. 19,381 was published; the Act increased some of the entitlements for male and female participants and regulated such areas as the authority of the Superintendency; participants' right to claim any surplus between their legal contribution and the cost of their agreed health plans; increased access of participants to information; regulation of coverage limits; and exclusions. The study of situations involving discrimination and proposals on ways of eliminating them is continuing.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status

With regard to discrimination on the grounds of maternity or marriage, Chilean labour legislation complies fully with the Convention, since article 186 of the Labour Code states that pregnant workers have maternity rights (limitation on the employer's power to dismiss employees) from the moment of conception to a year after the end of postnatal leave. This provision also includes women working in private homes, following the publication on 9 November 1998 of Act No. 19,591, which put an end to the exception affecting such workers.

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances

Act No. 19,299, promulgated on 8 March 1994, established a new basis for calculating maternity benefits, thereby ensuring that female workers receive benefits in amounts similar to their real salary.

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities

Act No. 19,250, published on 30 September 1993, improved labour regulations dealing with maternity protection. At the mother's choosing, either the mother or the father may take leave when a child under one year of age is ill. The right to postnatal leave is transferred to the father in cases where the mother dies in childbirth or before the end of her postnatal leave. In the case of the adoption of minors, all maternity rights are, in general, available.

Act No. 19,505 of 25 July 1997 grants workers special leave when their children are seriously ill. This regulation gives a working mother (or father when the mother so decides) the possibility to be absent from the workplace for up to 10 days in a calendar year when the health of a child under the age of 18 requires the personal care of its parents as a result of an accident or serious or terminal illness.

Act No. 19,482 on Sunday rest, published in December 1996, grants some male and female workers who have to work on Sundays the right to have their weekly day off fall at least once a month on a Sunday (this pertains mainly to those who work in commerce).

In 1996, SERNAM took part in the preparation of the basis for the discussion of the bill amending the Labour Code with a view to increasing the availability of childcare facilities. In 1997 and 1998, a possible alternative of tripartite financing was proposed, and its feasibility and adoption is currently being considered.

Together with the Ministry of Education, SERNAM has set as its goal the promotion of childcare systems for children of working mothers by extending the hours of childcare facilities for children of women heads of household and women seasonal workers, implementing various measures.

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them

In 1996, SERNAM together with the Ministry of Labour drafted two preliminary amendments to legislation: one on the flexible use of maternity leave and the other on pre- and postnatal benefits for women working in private homes.

One of the functions of SERNAM is to "promote concrete measures that stress the fundamental value of motherhood for society, ensuring its effective protection" (art. 2 (e) of Act No. 19,023). That is why it has promoted parliamentary discussion of many of the acts mentioned under this point and provides information to women at the women's rights information centres (CIDEM) in the country's 13 regions.

The health services in industrial and rural areas and clinics for mothers and children have carried out special detection and health-care activities.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

SERNAM activities include a legal reform programme, which involves the continuous study of the current situation and of legislation in force with a view to identifying, *inter alia*, obstacles that women encounter in the area of employment and other areas of their active participation in society.

The purpose of this measure is to encourage the necessary changes for the gradual elimination of discrimination against women in the area of employment and in other areas.

In this task, there is effective cooperation between SERNAM and the Ministry of Labour through the Department of Labour, the Ministry of the Economy and the Ministry/Office of the Secretary-General of the Presidency, among other public bodies. There has also been cooperation with employers' associations and with the National Confederation of Production and Trade.

Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

Article 19, paragraph 9, of the Constitution "guarantees all persons ... the right to protection of health. The State protects free and equal access to actions for the promotion, protection and recovery of health and the rehabilitation of the individual. The coordination and control of health-related activities shall likewise rest with the State. It is the prime duty of the State to guarantee health assistance, whether undertaken by public or private institutions, in accordance with the form and conditions laid

down by law, which may establish compulsory contributions. Each person shall have the right to choose which health system he wishes to join, either the State system or the private system".

The "actions for the promotion, protection and recovery of health and the rehabilitation of the individual" cover three basic areas: (a) preventive health care; (b) medical treatment; and (c) rehabilitation.

In addition to the provisions contained in the Constitution, various legislative acts regulate the exercise of the constitutional right to health protection. One of the most important acts is Act No. 18,469, published on 23 November 1985.

One of the main objectives of Chile's health policies has been the extension of free health services. All services for participants in the public system of primary medical care are free of charge and include health care for children, prenatal care, provision of food under the Supplementary Food Programme (PNAC) and outpatient treatment for general illnesses.

Free State health services are guaranteed for persons with low incomes, such as pensioners or members of their families, indigent or unemployed persons, or persons receiving a minimum wage.

In June 1997, The Ministry of Health and SERNAM signed an agreement that launched the Women's Health Programme, which will provide new benefits to some 4 million women, chiefly in the areas of promotion and prevention. The Programme views women's health from a comprehensive, gender-based perspective, covering their entire life cycle and not just their reproductive function and taking into consideration the impact that demographic, economic, social and cultural changes have had on the lives of women in the past few decades.

The Programme provides coverage for consulting specialists in such areas as infertility; menopause; occupational, sexual and reproductive health; nutrition; and assistance in giving up smoking. It includes activities to assist the most vulnerable groups: poor women, rural women and adolescent girls. Pre-natal care places emphasis on situations in which the mother's psychosocial, biomedical and nutritional well-being is at risk, and has the objective of improving responsible parenthood policies so that couples can take informed decisions, promoting the achievement of a wanted pregnancy. Likewise, efforts are being made to promote a healthy sexuality in order to prevent unwanted pregnancies, abortions and sexually transmitted diseases, including AIDS.

Epidemiological monitoring at the biological and environmental levels is being carried out in the workplace in order to study and improve the environments and conditions in which women work, particularly with regard to the use of chemicals and other materials and the climatic conditions in some kinds of work.

Finally, in the area of mental health, attention is paid to women's emotional life and self-esteem, which can affect their fundamental social role as the mainstay of family life. A serious problem in this area, which is now recognized by the health sector, is domestic violence.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Article 9 of Act No. 18,469, which has already been mentioned, provides that "all pregnant women shall be entitled to State protection during pregnancy and up to six months following the birth of the child; such protection shall include monitoring of pregnancy and childbirth. Newborn children and children up to six years of age shall also be entitled to State protection and health care".

Moreover, under Act No. 19,381 of 3 May 1995, private health care institutions have an obligation "to their beneficiaries to comply with the provisions of Act No. 18,469 regarding the provision of preventive medical examinations, protection of women during pregnancy and until the sixth month following the birth of the child and of children up to six years of age, as well as for the payment of benefits when appropriate" (art. 35).

In the efforts to strengthen the Comprehensive Women's Health Programme, new techniques of pre-natal care and identification and treatment of high-risk patients are being used in specialized clinics. The policies of care for pregnant teenagers have made it possible to increase coverage of obstetric and gynaecological care. A special programme has been created to prevent teenage pregnancy and involve young men in such prevention; the programme will be implemented this year.

During the period under review, a major impetus was given to the early detection of cervical, uterine and breast cancers, using awareness-raising campaigns and encouraging women to undergo Pap tests and perform breast self-examination. By the year 2000, it is hoped that 70 per cent of women will be fully covered by health-care services.

Pre- and post-natal maternity leave and allowances, financed by the State, are available to all working women, in both the public and private sectors.

In Chile, reduction of the infant mortality rate has been a long-standing social policy objective. Between 1990 and 1995, the infant mortality rate per 1,000 live births dropped from 16 to 11.1. An effort is being made to reduce the variations in infant mortality among the country's different regions and communes by strengthening the design of diversified strategies that meet the particular needs of each region. Between 1992 and 1996, the maternal mortality rate dropped from 0.3 to 0.2 per 1,000 live births. This reduction represents a major achievement for the country and reflects positively on efforts in the health sector.

During this period, the number of baby-friendly hospitals, where exclusive breastfeeding is encouraged, rose from 15 to 25.

In 1996, pregnancy care by a midwife, at the choice of the mother, was included in the benefits offered by the National Health Care Fund (FONASA). That same year, 100-per-cent coverage of medicines for pregnant women with HIV/AIDS was achieved.

During 1996–1997, SERNAM and the Ministry of Health held regional seminars to raise awareness in the health sector and among work teams of the need to mainstream a gender perspective into their daily activities.

During 1997, the Ministries of Justice, Health and Education, the National Youth Institute and the National Office for Women's Affairs established shelters to provide care to girls who were pregnant or had newborn babies.

One target for 1998 is to test a model methodological and communications strategy for sexual and emotional health education, designed jointly by SERNAM, the Ministries of Education and Health and the National Youth Institute.

An important component of the Vocational Training Programme for Low-Income Women, Particularly Women Heads of Household, has been the comprehensive dental programme being implemented by the Ministry of Health in 54 municipalities. Some 22,000 women have received care (completed treatment), of whom 14,000 were given false teeth. This is a very significant service not only for ensuring dental health but also for building self-esteem, promoting mental health and increasing the women's chances of finding work.

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to family benefits

Everyone has the right of access to family benefits in Chile. Additional benefits are provided to low-income households, the majority of which are headed by women.

In 1998, a follow-up study was conducted on the law concerning family abandonment and payment of alimony and support. This study revealed that the amount of support ordered by judges or agreed to by the parties is extremely low and that the whole range of tools offered by the law for ensuring that the amount is fair are underused (for example, petitioning for interim support, approaching the grandparents when the amount paid by the father is insufficient and having support payments withheld by the employer of the liable party) and that there is a tendency for the liable party to default on payments. This is a serious situation, bearing in mind that 56 per cent of the women who receive these low support payments have no income of their own.

The special retirement plan for the public sector, 1999–2000, in accordance with Act No. 19,553 on modernization of the State, granted an additional month of compensation to women 65 years of age when they retire, because they have spent less time as part of the economically active population. (Act in effect since 4 February 1998; Transitional provisions, article 1 (b)).

During this target year, a preliminary proposal for amendments to social security legislation was considered.

(b) The right to bank loans, mortgages and other forms of financial credit

Since, in Chile, credit approval depends on the applicant's solvency and ability to offer sufficient collateral, with real property being preferred to personal property, married women under the joint ownership regime face legal obstacles. If they have no capital assets of their own or if the assets are insufficient, it is difficult for them to establish collateral independently on the basis of the joint property, or of their personal property if it is administered by the husband. Article 1,752 of the Civil Code states that: "A wife by herself has no right to the joint property during the marriage ...", and paragraph 4 of article 1,754 of the Code states that: "The wife, for her part, may not transfer or encumber ... property belonging to her which her husband

administers ...". Consequently, in order to encumber her own property, she will always require the authorization of her spouse as the administrator, and she will be unable to do anything with the joint property.

By contrast, article 1,750 of the Civil Code states that: "The husband is, with respect to third parties, the owner of the joint property, as if it and his personal property formed a single capital asset ...", which means that he can encumber that property in any way he likes, without prejudice, of course, to any responsibilities which he may bear if the marriage is dissolved.

The same is true of the wife's personal property administered by the husband: articles 1,754 and 1,755 of the Civil Code require her express authorization only when the husband attempts to encumber or transfer her real estate and any property for which he may be required to make restitution to her in kind.

In practice, this means that any of the wife's movable property (stocks, for example) which has not been expressly excluded from the joint property through a matrimonial settlement (which is extremely rare in Chile) can be transferred or encumbered by the husband without any authorization whatsoever from the wife, because he is required to make restitution in kind only for expressly excluded property. Based on the foregoing, the social obstacles that the wife has to face in obtaining credit are related to the fact that, generally speaking, she is poorer than the man.

Lastly, the fact is that, whatever the property regime under which the woman was married, in practice, banks require the husband's authorization before lending money to the wife, even though the law considers the wife to be fully competent when she is not married under the joint ownership regime. Habit and custom still limit women's options and opportunities.

(c) The right to participate in recreational activities, sports and all aspects of cultural life

Women participate actively in the country's cultural life, distinguishing themselves as writers (Gabriela Mistral, Nobel Prize, 1945), painters, sculptors, actresses and performers, film-makers and, to a lesser extent, athletes. The Division of Culture of the Ministry of Education has promoted their access to cultural activities in the various regions and to competitive funding for the arts.

The Women's School — Rural Women's Development Programme (PRODEMU), a foundation headed by the First Lady of Chile, has taken a special interest in recreational activities and sports for women. One of the courses for 1998, which benefited 3,238 low-income women, involved 265 sports projects throughout the country. Over the years, its proposals for giving people the means to express their creativity through national painting, writing and photography contests, among others, have been noteworthy.

Together with the regular activities conducted by the Department of Sports and Recreation (DIGEDER), there are initiatives to promote sports for older women through agreements with municipalities throughout the country.

In 1997 and 1998, SERNAM, together with the Ministry of Agriculture and the Foundation for Agricultural Information, Training and Culture, sponsored the "Stories and Tales of the Rural World" contest, which encourages the participation of rural women as writers, while promoting them as the subject of stories and tales through a special category. As the final product of the contest, each year a book containing the winning stories is published.

Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

On 8 March 1995, the President of the Republic introduced the Equal Opportunity Plan for Women as an instrument of Government policy. On that occasion, the Ministers of Health, Education, Labour and Agriculture made a public commitment to incorporate the Plan's proposals into their regular activities.

Specifically, the Minister of Agriculture described the approach which his Ministry would take to that government policy. He acknowledged the multiple roles played by rural women, especially peasant women, in their productive work and economic contribution, and the significant inequalities which can still be observed in access to factors of production. He also mentioned, the Ministry's commitment to designing and implementing an institutional policy for rural women which would reflect the differences in the relations and situations of women and men and the resulting need for structural changes.

He also made a commitment to supporting peasant women and women seasonal workers in the areas of integration into production, working conditions, development of leadership skills and improvement of rural

housing, by means of strategic alliances with the public and private sectors, non-governmental organizations, international agencies and, especially, women themselves and their organizations.

The commitment made by the Minister of Agriculture reinforced the work previously done in the sector regarding women's policies. The National Institute for Agricultural Development (INDAP) had in fact begun to develop measures and activities to assist rural women in 1990.

In its fullest sense, the Institute's action for rural women during the period 1995–1998 reflected its decision to mainstream its work with rural women more fully. In other words, it chose to create specific programmes for rural women, while making all INDAP services more accessible to them. The initiatives undertaken in recent years have generated a set of experiences, methodologies and tools which have been further refined through the increasing mainstreaming of a gender perspective in development. Thus, since 1995, INDAP has explicitly mainstreamed a gender perspective in its regular institutional activities, meaning that a cross-cutting approach will be taken to each of its activities and measures, based on the recognition of rural families as a basic unit of the production process, with different requirements according to their composition and specific members (men, women, young people, older persons, relatives, etc.).

In 1995, a Rural Division was created within the National Office for Women's Affairs to ensure that the Ministry of Agriculture and its affiliated offices, decentralized agencies and other public and private entities associated with rural women's issues incorporate measures and actions guaranteeing equal opportunity for rural women into their planning and regular activities. This step strengthens and gives coherence to the possibility of promoting equality policies for rural women emanating from the coordinating body *par excellence*, SERNAM.

The institutionalization of the Rural Division within the National Office for Women's Affairs met the urgent need to fill a void in earlier equal opportunity policies, which contained no reference to rural women. The actions to be taken towards achieving this objective are:

(a) Creating within the public sector the necessary conditions for equal opportunity for women in agriculture and the rural sector;

(b) Building the capacity of human resources in the public sector by providing tools and instruments that will allow them to mainstream efficiently the promotion of equal opportunity for women in rural areas;

(c) Fostering intersectoral, interdepartmental and regional coordination in the planning and execution of activities, within and outside the Office, that facilitate the mainstreaming of activities and measures which, in fulfilment of the Convention and of the Platform for Action of the Fourth World Conference on Women, will improve the status and situation of women in rural areas;

(d) Fostering the participation of rural women in society;

(e) Promoting the involvement of rural women in the process of designing and implementing public policies for rural areas.

Beginning in 1995, SERNAM established a strategy of **building alliances** through two areas: first, the promotion of coordinated action among public and international bodies for the benefit of rural women, and, second, the creation of opportunities for dialogue on that topic between State bodies and civil society, with the aim of designing policies jointly and monitoring and implementing them.

Specifically, for the public sector linked with agricultural development, **six cooperation agreements** have been signed, with: INDAP (this project is in its fourth year of execution); the National Indigenous Development Corporation; the National Forestry Corporation; the Foundation for Agrarian Innovation; the Foundation for Agricultural Information, Training and Culture (1997); and the Crop Farming and Livestock Service (1998). All these organizations have women coordinators or focal points for gender issues and rural women. Moreover, using manuals prepared on an ad hoc basis, their agricultural and rural development staff have been systemically trained.

With regard to the development of more precise evaluations of the real situation of rural women, a module was included on the census form for the sixth **National Agricultural Census 1997**, which measured the extent of women's work in seasonal agriculture and the work done by peasant women within family production units. In addition, updated evaluations were conducted in five regions of the country.

In order to improve coordination among the services of the Ministry of Agriculture and assist the Ministry in such matters, a **Women's Equal Opportunity Commission** was created in 1998.

With regard to links with civil society, in April 1995 the **Rural Women's Task Force** was established, in which women leaders of peasant organizations, representatives of public agencies, non-governmental organizations and representatives of relevant international agencies participate.

Today, it is a forum for dialogue and feedback on public sector activities in these areas. It has also become a forum for the coordination of activities for the sector, as well as for the monitoring of the implementation of agreed sectoral and intersectoral activities.

A **Joint Task Force** has also been formed in which INDAP, SERNAM and the Unified Peasant and Ethnic Peoples' Movement of Chile (MUCECH) participate. The latter entity represents peasant organizations and brings together the country's trade union confederations and federations and associations and cooperatives of agricultural and forestry producers and workers.

SERNAM has continued to coordinate and execute the programme of assistance for women seasonal workers, which is intended specifically to address **"the precariousness of women's work in the agro-export industry and its impact on the quality of life of women working in that industry"**. The strategy of the women seasonal workers programme involves:

- **Intersectoral coordination and negotiation,** to adapt sectoral supply to the needs of women seasonal workers in the areas of:

  Childcare, to make it easier for women seasonal workers to enter and remain in the labour market (through an intersectoral model of childcare);

  Education, to support remedial education and reduce illiteracy among these workers;

  Health care, to address the comprehensive health of women seasonal workers (job-related and personal) and inform them of their rights and how to prevent risk in the use of agrochemicals;

  Employment, to inform them of their rights as workers, give priority to monitoring their working conditions and support changes in the law that will allow progress in the area of social security.

- **Raising the profile of the issue**, through a strategic communications plan that recognizes the contribution of these workers to the country's economy, in addition to gathering general and specific analytical information concerning sectoral issues.

- **Supporting efforts to convert these workers into a social force** by fostering leadership to encourage them to participate in society and form associations.

- **Providing technical support to municipalities** to ensure the full implementation of the programme in the 78 communes where this type of work is mainly performed, with regard both to the establishment and sustainability of childcare centres and to the creation of linkages between sectoral supply and the specific needs of women seasonal workers.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels

The Rural Women's Task Force was directly involved during 1995 and 1996 in the preparation of the **"Proposals for equal opportunity policies for rural women"**. This document contains an assessment and proposes measures for implementation by the State and civil society.

In addition, five regional task forces have been established, with objectives similar to those of the national task force, to encourage rural women to participate in the design of regional policies.

The involvement of women leaders of peasant organizations in the preparation of the policy proposals and in establishing the task forces is important and valued highly by the member peasant organizations and public bodies.

In this way, progress is also being made in implementing the Beijing agreements and the Regional Programme of Action with respect to fostering the social and political participation of women, their access to decision-making and their involvement in the design and implementation of public policy.

In 1997, the **Joint Task Force** was established in which INDAP, SERNAM and the Unified Peasant and Ethnic Peoples' Movement of Chile (MUCECH) participate. Its aim is to set in motion a joint strategy for enhancing women's participation in organizations and improving their access to the services provided by INDAP and SERNAM. The Task Force's formation is the first activity which, based on coordination between peasant organizations and public bodies, responds to the problems raised in the "Proposals for equal opportunity policies for rural women" concerning the issues of production and social participation.

Moreover, the Ministry of Labour has decided to strengthen the forums for participation by the State and civil society through the establishment of regional tripartite commissions, so that they can make a real contribution to the development strategies of each area with regard to equal opportunities in training and employment. Owners of

agribusinesses and women agricultural workers have participated in these forums.

Since 1996, regional task forces have been established, with the participation of the labour, education and health sectors, to target and coordinate programmes for women seasonal workers in regions IV, V, VI, VII, VIII, IX and the metropolitan region.

(c) To benefit directly from social security programmes

During the reporting period, the Department of Labour and the Occupational Health Programme of the Ministry of Health incorporated women seasonal workers into their oversight agendas as a priority group.

Information workshops were conducted on labour rights and occupational health, in coordination with the Departments of Labour and Occupational Health.

Efforts have been made (Ministry of Health-SERNAM) to provide a pre-employment medical examination to working class women, especially women heads of household and women seasonal workers, before they begin working for pay.

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, *inter alia*, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self-help groups and cooperatives in order to obtain equal access to economic opportunities through employment or self-employment

The main problem affecting basic education in rural areas is one of quality rather than of access, as enrolment rates for boys and girls are similar. For this reason, the Ministry of Education is developing the programme "Improving equity and quality in education" (MECE) in rural areas; to that end, discussion has centred on: designing a curriculum proposal that can provide a link between local culture and general aspects of knowledge; teacher training; and designing and producing auxiliary textbooks specially formulated for multigrade rural schools.

With regard to adult education and vocational training, as well as support for organizations, the following actions can be mentioned:

In the field of productive development, INDAP has allocated substantial technical resources and has initiated a number of activities and programmes designed to support the creation, development and strengthening of women's organizations. These include the programme "Managing and strengthening rural organizations" (GESTOR) (a programme that makes it possible to identify or improve organizations' economic and legal model), which has benefited 1,800 women, and the Business Leadership for Women programme (INDAP-SERNAM), which provided $65,000 in funding to train women from 30 organizations around the country.

Moreover, INDAP, in conjunction with the Women's School — Rural Women's Development Programme (PRODEMU), has carried out the programme "Education and Training Workshops for Rural Women" for six years, serving more than 13,000 women in regions I, IV, V, VI, VII, VIII, IX, X, XI and the metropolitan region. This programme provides technical training in management, organizational development and personal skills to women in the mixed farming sector.

In order to support the strengthening of small-scale rural businesses headed by women, SERNAM and INDAP carried out in 1998 the First National Women's Competition in Small-scale Commercial Agriculture, which made it possible to identify and award prizes to 127 women's organizations throughout the country.

In the framework of the agreement between INDAP and SERNAM, support has been given to actions by rural women organized, into the Women's Coordinating Committee of the Unified Peasant and Ethnic Peoples' Movement of Chile (MUCECH). As a result, a conduit has been provided for their demands and regional workshops and seminars have been held with a view to improving knowledge of the situation of rural women and promoting equal opportunity.

In order to support women seasonal fruit workers, an agreement was signed in 1996 between SERNAM and SENCE for the implementation of a pilot programme to train women seasonal agro-industrial workers in modern production technologies.

Also in 1996, 169 women seasonal workers in regions IV, V, VI, VII and the metropolitan region received remedial education and literacy training.

In 1997, 452 women seasonal workers were able to participate in adult education programmes in 19 communes.

For 1997, SERNAM proposed as a goal and agreed that year to concentrate plans for inspection of working conditions on packing plants and farms involved in fruit production.

During 1998, support and technical advice were provided to municipalities in setting up childcare centres for women seasonal workers, amounting to a total of 134 centres in 78 municipalities.

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes

During the period under review, an assessment was carried out of peasant women's access to the financial system of INDAP and the Banco del Estado. As a result, the variable "sex" was included in the registration system and in the analysis of this service by INDAP, and the book *Mujer campesina y crédito en Chile* was published describing the situation.

INDAP has developed a policy to support the financing of productive activities among peasant women. This has meant changing the rules on access to credit, with coverage being extended explicitly to women and young people. In 1995, 7,280 female users of INDAP (11 per cent of all users) obtained credit totalling over $3,500,000. In 1997, this share rose to 9,038 women (14 per cent of users), who had access to credit totalling over $6,700,000.

During 1997, INDAP carried out a competition entitled "Financing Women's Productive Projects", awarding a sum equivalent to $760,000, with a subsidy of $380,000, to 91 organizations and reaching 1,339 female users.

Thus, in the framework of the programme "Education and Training Workshops for Rural Women" (INDAP-PRODEMU), resources are earmarked for the financing of production projects aimed at increasing and enhancing technical proficiency and promoting commercialization. This initiative began in 1995 and has so far made it possible to finance 320 projects, representing a total investment of $475,000 and supporting more than 1,500 women.

For its part, the Ministry of National Assets has developed a special programme for regularizing deeds of ownership in rural areas in order to establish title to land and allow many irregular owners to have access to credit and other benefits. This programme has benefited a large number of rural women, especially women heads of household.

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications

The Government is developing a rural modernization policy for the medium and long term (2000 and 2005), which envisages, among other measures, the following:

- Electrification of 100 per cent of rural homes (135,000 homes by 2000);
- Safe drinking water for all rural households in communities and progress towards the solution of this problem in scattered localities;
- Establishing and maintaining a road network that guarantees access to urban centres at all times of the year;
- Incorporating 8,000 rural localities into the country's telecommunications system;
- Overcoming the housing deficit by increasing rural subsidies and establishing new towns or villages.

The levels achieved during the past two years raise the prospect of full compliance with programme targets.

Part IV

Article 15

1. States Parties shall accord to women equality with men before the law.

The information provided under article 2 (a) covers the progress made in adapting the statutory norms so that they will embody explicit recognition of the equality of women and men before the law.

It might be thought that article 19, paragraph 2, of the Constitution prohibits discrimination against women by stipulating that there are no privileged persons or groups in Chile and that "Neither the law nor any authority may establish arbitrary differences". Paragraph 3 of this article stipulates that the Constitution guarantees to all persons "equal protection under law in the exercise of their rights". The objective of the constitutional reform sponsored in the legislature by the Minister-Director of SERNAM is to establish clearly that "Persons are born free and equal in dignity and rights" and that "Men and women are equal before the law".

Problems in this area relate to access to the system for enforcing equality before the law. The exercise of rights is heavily dependent on the economic capacity of individuals, women being more vulnerable.

In Chile, there are various systems of free legal representation provided by the State. The right to free defence counsel is a constitutional guarantee embodied in article 19, paragraph 7, of the Constitution. The highest degree of protection is afforded by the Judicial Assistance Corporation, financed by the Ministry of Justice, which has offices throughout the country. It takes on all cases, with the

exception of those involving annulment of marriages. This system is based on the six months of compulsory free legal services provided by graduates of the law faculties of Chilean universities, and is aimed at meeting the judicial assistance needs of people lacking in resources.

The programme "Access to the Justice System", which is also under the Ministry of Justice, operates on the same principle, and the institution of assigned counsel, which is a duty imposed on recently licensed professionals, has as its purpose to assign them for six months to the defence of persons facing criminal charges.

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

It can be stated that no distinction is made between men and women with regard to the handling of their cases, access to the justice system, the speed of proceedings and the possibilities of receiving legal assistance from the State. In practice, however, there are problems of access and speed in cases involving minors, which are aggravated where women are concerned, because the courts that handle such matters are overburdened and it is women who turn to the courts in higher percentages to seek a solution to their family conflicts.

With regard to the legal capacity to testify in a judicial proceeding, the following prohibitions and exemptions apply:

- The spouse and legitimate blood relatives up to the fourth degree and the relatives by marriage up to the second degree of the party wishing to produce them as witnesses, and the forebears, descendants and illegitimate siblings, where there is acknowledgment of parentage which produces civil effects in respect of the party requesting their testimony, are disqualified from testifying (article 358, paragraphs 1 and 2, of the Code of Civil Procedure). The exception to this rule is found in article 3 (d) of Act No. 19,325 of 27 August 1994 on domestic violence, which states that in judicial proceedings dealing with this subject, the disqualifications contemplated in article 358 of the Code of Civil Procedure shall not apply. Moreover, the accused's spouse, legitimate or acknowledged illegitimate forebears or descendants, legitimate collateral blood relatives up to the fourth degree or relatives by marriage up to the second degree and siblings born out of wedlock are not required to testify in a criminal case (article 201 of the Code of Criminal Procedure).

With regard to the capacity to incur criminal responsibility, the following exemptions and restrictions apply:

Article 17 of the Criminal Code stipulates that persons who act as accessories after the fact for their spouse or legitimate relatives by blood or marriage, throughout the direct and collateral lines up to the second degree, as well as natural parents and children born out of wedlock, shall be exempt from the penalties imposed for concealment, unless they have profited from the effects of the crime or ordinary offence.

Moreover, article 489 of the Criminal Code exempts from criminal responsibility for theft, fraud or mutual injury a person's legitimate blood relatives throughout the direct line, legitimate blood relatives up to the second degree, including the collateral line, legitimate relatives by marriage throughout the direct line, natural parents, siblings born out of wedlock and spouses.

The information already provided in respect of article 13 (b) also applies to this article.

3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

The legal capacity of women is identical to that of men under Chilean law. Nevertheless, there is an exception to this statutory norm in the case of marriage entered into under the regime of joint ownership of property.

Until 1989, when the Civil Code was amended (Act No. 18,802), a woman who married under the joint property regime suffered from relative incapacity. Since the reform, such women now enjoy full legal capacity, but the husband continues to administer the joint estate, with the relevant legal restrictions.

Act No. 19,335 of 23 September 1994 included, as an alternative to the joint ownership and separation of property regimes, the sharing of assets regime. This new regime grants women full capacity and allows proportional sharing of assets incorporated into the spouses' respective property during the life of the marriage.

Women married under the joint ownership regime do not have the same capacity as men to acquire, administer and dispose of joint property, which is of great significance, as this is the regime that is residual to the will of the parties;

in other words, unless the parties expressly mention their wish to adopt another regime, it is the one that will govern their property relations.

Under article 1,749 of the Civil Code: "The husband is the head of the conjugal partnership and, as such, administers the joint estate and the wife's property ...". A woman married under this regime continues to have diminished capacity, since despite the general capacity accorded to her by law, she cannot dispose of her own property, such as that which she owned before marriage or that which she inherits (unless such property has been expressly excluded from the husband's administration), nor can she even receive the proceeds from such property, which become part of the assets of the conjugal partnership and are, as a result, also administered by the husband (article 1,725 of the Civil Code).

A similar situation occurs with property that a woman may have acquired as a result of the exercise of an occupation not separate from that of her husband: such property is also administered by him (article 150 of the Civil code).

In this connection, it should be noted that the aforesaid article provides for the "separate property of the married woman"; in other words, a woman married under the joint ownership regime who engages in some form of employment or occupation shall be deemed to have separate property in respect of what she earns as a result of such activity, unless she exercises it jointly with her husband, in which case the aforesaid rule applies.

The husband is not subject to any restrictions on the disposition of the movable joint property or the movable property belonging to his wife which he administers, except in the case of major donations, or if he seeks to be a guarantor of the obligation of a third party, since without the authorization of his wife, he binds only his own property.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

In 1989, there was a change in the provision that stipulated that the wife owed obedience to her husband and had his domicile. It is now stipulated that both spouses have a mutual duty of loyalty and support. The provision on domicile was amended and both spouses have the right and duty to reside at the joint domicile, unless either one has serious reasons for not doing so.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent

In Chile there are no discriminatory restrictions for women when entering into marriage or in their free choice of a spouse.

The law allows both men and women to enter into marriage at the age of 18 years. Nevertheless, a girl over the age of 12 years and a boy over the age of 14 years may marry with the authorization of his or her legitimate father or, in his absence, of his or her legitimate mother (article 107 of the Civil Code). In the case of children born out of wedlock, authorization must be given by the father or the mother who has voluntarily acknowledged the child, and if both have done so, preference is given to the father (article 108 of the Civil Code).

The wife now enjoys full capacity and the obligations of both spouses with regard to the duties of fidelity, care and support were made equal following the reform of the Civil Code in 1989.

In 1997, the Chamber of Deputies approved a new law on civil marriage which establishes binding divorce. This new legal initiative has not yet been discussed in the Senate. If approved, it would become part of Chilean law.

(c) The same rights and responsibilities during marriage and at its dissolution

In Chile there is no law on binding divorce, but there is a special judicial agreement which declares a marriage null and void by declaring that the civil registry official who performed the marriage was incompetent; this is possible with the agreement of both parties. The official is considered incompetent if the parties were residing outside his or her area of jurisdiction.

Binding divorce is regulated in the bill on civil marriage which the Chamber of Deputies approved in 1997 and which remains pending before the Senate.

This bill deals with all the serious breakdowns and crises that may arise in conjugal life, distinguishing between

annulment, separation and divorce. The following grounds for divorce are established:

1. De facto or judicially declared separation, after two years.

2. The existence of objective circumstances not imputable to either of the two spouses which make married life impossible.

3. The adoption by either spouse of activities or conduct incompatible with the very nature of the marital bond.

4. The serious and repeated violation of marital duties by either spouse.

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount

This topic has now been regulated by the new law on filiation adopted on 26 October 1998, which will enter into force on 26 October 1999 (see description under article 2 (f)).

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights

Chile approved the Programme of Action adopted by the International Conference on Population and Development (Cairo, 1994), which affirmed women's reproductive rights, and in 1998 delivered a national report on follow-up measures.

It also approved the International Convention on the Rights of the Child and by September 1998 had already delivered the second report on the measures adopted by the Chilean State to give effect to the rights recognized in that Convention.

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount

With regard to the law on children, as stated above, Law No. 19,585 of 26 October 1998, which amended the Civil Code in the area of filiation in order to confer equal status on all children (who are now categorized as legitimate, born out of wedlock and illegitimate) by providing for the free establishment of paternity, improving the inheritance rights of the surviving spouse and extending paternal authority (*patria potestad*) to the mother, has already been adopted.

This law, which will enter into force one year from its date of promulgation (namely, 26 October 1999), and which was sponsored by SERNAM, provides that under any property regime chosen by the parents, paternal authority will be exercised by both the father and the mother.

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation

With regard to personal rights, women and men have equality of conditions: both sexes have the freedom to choose an occupation or profession and to keep their family name when entering into marriage (but children put their father's name first). Before Law No. 18,802 was promulgated in 1989, a husband could object to his wife's pursuing a specific occupation, which was eliminated, article 150 of the Civil Code having now been repealed.

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration

As regards the rights of the spouses in respect of the administration, enjoyment and disposition of property, including where free of charge, we should make it clear that in relation to the capacity of the wife, unless she has separate property or any of the other forms of property which, exceptionally, she is empowered to administer, she is barred from administering the joint property.

With regard to the celebration of marriages abroad, at present, when the marriage is recorded in the civil register, if nothing is said, the system of separate assets is understood to apply, unless otherwise stated by the spouses; consequently, if the spouses wish to opt for the joint ownership regime, they must expressly make that known.

There are no inheritance restrictions for women. They can be executors or administrators of an inheritance under the same conditions as men.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

Under Chilean law (article 4 of the Civil Marriage Act), marriages between children (boys under the age of 14 years and girls under the age of 12 years) are not valid; however, in the proposed new law on civil marriage pending

approval by the Senate, this age is raised to 16 years for both sexes. All marriages must be celebrated before a competent civil registry official, who shall duly record the ceremony.

Santiago, Chile, January 1999